

East Hill
1980

ACTS AND RESOLVES

OF

MASSACHUSETTS.

1798-99.

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ACTS
AND
LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS.

BOSTON:

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1897.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS: AT THE SESSION BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY, THE THIRTEENTH DAY OF MAY, AND ENDED ON FRIDAY THE TWENTY-NINTH DAY OF JUNE, ANNO DOMINI, 1798.

1798. — Chapter 1.

[May Session, ch. 1.]

AN ACT TO INCORPORATE THE PLANTATION CALLED EAST BUTTERFIELD IN THE COUNTY OF CUMBERLAND INTO A TOWN BY THE NAME OF HARTFORD.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the plantation of East Butterfield in the County of Cumberland, Bounded as follows — vizt. Beginning at the Northeast Corner of Buckfield, thence running North, twenty six Degrees East, two miles and three hundred rods to the Northwest Corner of Turner; thence North, three miles and two hundred and sixty rods; thence North, eighty one degrees West, four miles and one hundred and sixty rods; thence North, sixty five degrees West, one mile & two hundred and twenty eight rods to the middle of the East Branch of Twenty mile River, so called; thence down the middle of said River to the North Line of Buckfield; thence South, eighty-one degrees East, three miles and two hundred and sixty-six rods adjoining Buckfield, to the first Bound — with the Inhabitants thereon, be and they hereby are incorporated into a Town by the Name of Hartford: And the said Town is hereby vested with all the Powers, Privileges & Immunities which other Towns in this Commonwealth do or may by Law enjoy.

Hartford
incorporated.

SECT. 2. *Be it further Enacted,* That Isaac Sturdivant Esqr. be, and he hereby is empowered to issue his Warrant

First meeting.

directed to some suitable Inhabitant within said Town, requiring him to warn a Meeting of the Inhabitants thereof at such time and place as shall be expressed in said Warrant, for the purpose of choosing such Town Officers as other Towns are empowered to choose in the Month of March or April annually. *Approved June 13, 1798.*

1798. — Chapter 2.

[May Session, ch. 2.]

AN ACT TO INCORPORATE THE PLANTATION CALLED WEST BUTTERFIELD IN THE COUNTY OF CUMBERLAND INTO A TOWN BY THE NAME OF SUMNER.

Sumner
incorporated.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled and by the Authority of the same,* That the Plantation of West Butterfield in the County of Cumberland, Bounded as follows, vizt. Beginning at the Northwest Corner of Buckfield on Paris Line thence runing North thirteen degrees West four Miles and one Hundred & eighty four Rods, thence North One Mile & two Hundred & twenty Rods thence North eighty Degrees East four Miles & forty Rods thence South Sixty five degrees East two Hundred & twelve rods to the middle of the East Branch of twenty Miles River thence down the middle of said River untill it comes to Buckfield North Line, thence North Eighty one degrees west on Buckfield North Line four Miles & two hundred & fifty four Rods to the Bounds first mentioned, with the Inhabitants thereon be & they hereby are incorporated into a Town by the Name of Sumner. And the said Town is hereby vested with all the powers privileges & immunities which other Towns in this Commonwealth do or may by law enjoy.

First meeting.

SECT. 2D. *Be it further enacted* that Isaac Sturdivant Esq. be & he hereby is empowered to issue his warrant directed to some suitable Inhabitant within said Town requiring him to warn a Meeting of the Inhabitants thereof at such time & place as shall be expressed in said Warrant for the purpose of choosing such Town Officers as other Towns are empowered to choose in the Month of March or April annually. *Approved June 13, 1798.*

1798. — Chapter 3.

[May Session, ch. 3.]

AN ACT TO INCORPORATE JOHN WORTHINGTON ESQR. AND OTHERS FOR CONVEYING WATER IN SUBTERRANEAN PIPES IN SPRINGFIELD.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same* that John Worthington, Samuel Lyman, Chauncy Brewer & John Hooker Esqrs. Joseph Stebbins and Zebina Stebbins, with such others as are or may be associated with them & who shall hereafter possess the estates where they now dwell, be & hereby are constituted a Corporation by the name of “the Proprietors of the Springfield Aqueduct,” and by that name may sue and be sued: *Provided* that nothing in this Act shall authorize said Proprietors to enter on or use private property, without consent of the owner.

Persons incorporated.

Title.

SECT. 2D. *And be it further enacted*, That any three of the above persons, may by notification posted up at the House of Moses Church in said Springfield call a meeting of the said Proprietors, to be holden in said Springfield, seven days at least after posting such notification, & the said Proprietors at such Meeting may choose a Clerk who shall make true record of all the votes acts and doings of the said Proprietors, and may also chuse other proper Officers for effecting the Object of their incorporation and agree upon the mode of calling future meetings, and make any rules, regulations or bye laws for ordering the transactions and concerns of the said Corporations and the welfare and Interest of the same, which they may think expedient, and impose any fines & forfeitures not exceeding twelve dollars, and for the recovery thereof have & maintain an Action of debt before any Justice of the Peace in said County; *Provided* that the rules regulations and bye laws aforesaid shall not be repugnant to the Constitution or laws of this Commonwealth.

Calling of meetings.

Officers to be chosen.

Bye laws to be made.

SECT. 3D. *And be it further enacted*, That the said Proprietors shall have power from time to time to make assessments of such Sums of money as the Proprietors shall deem necessary, on the several Proprietors according to their Shares & interest in said Aqueduct, as the same shall be ascertained & recorded in the Books of the said Corporation; and upon neglect or refusal of any Pro-

Assessments.

prietor to pay the sum or sums which shall be so assessed on him by the time specified in such Vote of Assessment, the said Proprietors may have and maintain an Action of debt against such delinquent Proprietor for the recovery thereof before any Court proper to hear & try the same.

May dig up
highways, &c.

SECT. 4. *And be it further enacted*, That the said Proprietors may enter on & dig up any highway for sinking & repairing the Pipes of said aqueduct as may be necessary *provided* they do not thereby impede the passing of travellers, & at any time hereafter may enter on the land of any of the Proprietors or of any other persons who already have or hereafter shall consent & agree with said Proprietors for their laying said Pipes thro' the lands occupied by them, for the purpose of repairing such Pipes; the said Proprietors paying such persons for such damage as they shall do by means thereof.

Case of injury.

SECT. 5TH. *And be it further enacted*, That any Person injuring the said aqueduct, shall be subject to the same penalties as are provided in the Second Section of the Act entitled “An Act for the more effectually preventing trespasses in divers cases,” and shall also be liable to make good all damages so done to the said Proprietors.

Approved June 14, 1798.

1798. — Chapter 4.

[May Session, ch. 4.]

AN ACT FOR ASSESSING AND COLLECTING TAXES ON THE PEWS IN THE MEETING HOUSE WHERE THE REVEREND JOHN THOMPSON OFFICIATES IN THE FIRST OR SOUTH PARISH IN BERWICK FOR THE REPAIR AND AMENDMENT OF SAID HOUSE.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that it shall and may be lawful for the Assessors of the said Parish for the time being (after being duly sworn faithfully and impartially to discharge the duties of said office) and they are hereby empowered to assess the several Pews in said House, their several parts and proportions according to the value said Assessors shall set the said Pews at, of all such sums of Money as the said Parish shall vote to raise and appropriate for the payment of the Labor and Materials that have been expended in repairing said House, in the Year one thousand, seven hundred and ninety seven; and also for such

Assessors to
levy taxes for
repairs.

further sums as may in the opinion of the Parishioners be necessary to complete the repairing already commenced. And in case at a future period the same house shall need repairing, the Assessors of said Parish, for the time being, may assess the said pews in manner aforesaid, such sums for the repair thereof as the Parishioners shall determine and vote needful for that purpose: And the assessments thus made shall commit to such Collector as may by the Parish be appointed to collect the same, with directions to collect and pay in the same to the Parish Treasurer, in ninety days after the assessment shall be committed to him. And the Parish Treasurer shall keep an account, separate and distinct from other parish monies, of the sums thus received and the manner in which they are expended. And shall have the same power & authority to enforce the payment of the sums from the said Collector in case he should be deficient in his duty, as are by law provided for parish taxes:

How to be collected and accounted for.

SECT. 2. *Be it further Enacted* that if the Owner or Proprietor of a Pew shall refuse or neglect to pay the sum assessed thereon as aforesaid, for the space of thirty days after notice of the assessment shall have been posted up on the door of the said House and in two other public places in the said parish as the Assessors shall in writing direct, it shall be lawful for said Collector to sell said Pew at public Vendue to the highest Bidder; first giving fifteen days notice of the time and place of sale, by putting up Notifications thereof at the said Meeting House door and at two other public places in said parish; And the overplus money besides the Tax and the necessary charges of notifying and selling, he shall pay over to the former owner or proprietor, if known and residing within the said South Parish, in ten days after the sale: But if the Proprietor be unknown, or a non-Resident of said Parish, he may within ten days next after the sale, pay over the said surplus to the Parish Treasurer, for the use of the former Proprietor of the Pew. And the mode of transferring pews sold by the Collector for the non payment of taxes as aforesaid, shall be by deed under hand and seal acknowledged before a Justice of the Peace. But a Record of the deed thus made, in the Records of the Parish by the Clerk thereof, within six months after passing the same, or a Copy from thence, certified by the Parish Clerk, shall be evidence of the Transfer, as well as

Delinquent proprietor's pews to be sold.

Mode of transfer.

the Original thus recorded. *Provided always*, that if the former Proprietor of a Pew thus sold and transferred, shall within one full year from the time of sale at Vendue as aforesaid, tender and pay to the purchaser or his Assignee, in case of Assignment, the true sum said pew sold for, with an addition of Fifteen per Cent, it shall be the duty of the Purchaser or Assignee to re-convey the same; and upon his refusing thus to do, said Proprietor may have like remedy for obtaining the Title and possession of the same pew, as Mortgagors of Real Estate now have in the Courts of this Commonwealth.

Deeds to be
recorded.

SECT. 3. *Be it further Enacted* that it shall be the duty of the Clerk of said first or South Parish, upon the payment of thirty three cents, to record at large in the said Parish Books a deed of a Pew in said House, that may be brought to him for that purpose, and to note and certify thereon as well as in the Record, the time when the deed was received for that purpose.

Approved June 14, 1798.

1798. — Chapter 5.

[May Session, ch. 5.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO ENABLE CREDITORS TO RECEIVE THEIR JUST DEMANDS OUT OF THE GOODS, EFFECTS AND CREDITS OF THEIR DEBTORS, WHEN THE SAME CANNOT BE ATTACHED BY THE ORDINARY PROCESS OF LAW.

Preamble.

Whereas in and by the Act aforesaid, it is among other things Enacted that where all the supposed Trustees or any one or more of them come into Court, and are discharged upon Examination on Oath, or where the Suit shall be discontinued by the Plaintiff against them or against any one or more of them, the Plaintiff may notwithstanding proceed against the Principal to Trial, Judgment and Execution: And whereas doubts have arisen and may arise to what cases the clause aforesaid of the Act aforesaid does extend; — for the prevention whereof;

SECT. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same*, That in all processes which may hereafter be brought in any Court by virtue of the Act aforesaid, wherein all the supposed Trustees shall be discharged as aforesaid, or wherein the Plaintiff shall discontinue his

When plaintiff
shall not pro-
ceed in suit.

Suit against all of them, or wherever it shall appear from the Record, that there is not any Trustee in such Suit; in all such Cases, the Plaintiff shall not proceed in his Suit against the Principal, unless there shall have been such service of the Original Writ upon the Principal as would have authorized the Court to proceed to render a Judgment against him, in an Action brought & commenced in the Common & Ordinary mode of process: *Provided however* that the principal in such case may if he think proper, come into Court and take upon himself the defence of the said Suit.

Proviso.

And whereas it often happens after a process has been served on one or more Trustees, that effects are discovered in the hands of some other Agent or Trustee not known to the Plaintiff at the time of issuing the Writ:

SECT. 2. *Be it therefore Enacted by the authority aforesaid*, that in all such Cases it shall and may be lawful for the Plaintiff or his Attorney, to insert into the process which shall or may have been served on one or more Trustee or Trustees, the Name or Names of any person or persons in whose hands or possession he or they may suspect that any Goods, Effects, Rights or Credits of the Absconding Debtor or Principal shall have been, or may be placed or concealed: *Provided however*, that no such Name or Names shall be inserted after the said Writ or Process shall have been served upon the principal or absconding Debtor or Debtors. *Approved June 16, 1798.*

New names may be inserted in trustees process.

1798. — Chapter 6.

[May Session, ch. 7.]

AN ACT PROVIDING COMPENSATION FOR SERVICES OF THE SHERIFF OF THE COUNTY OF HANCOCK.

Be it enacted by the Senate & House of Representatives in General Court Assembled and by the Authority of the same, that the Justices of the Court of General Sessions of the Peace for the County of Hancock be & they are hereby authorized and required to ascertain & determine annually what sum of money shall be allowed the Sheriff of said County as a reasonable compensation, as well for extra Services as on account of the Particular difficulties and inconveniences, attending the discharge of the duties of the said office in said County, & the sum so allowed

Court of Sessions to determine sheriff's compensation.

shall be paid out of the Treasury of the said County: & the said Justices are also hereby authorized to allow the Present Sheriff of the said County such sum of money as they may deem reasonable on account of any extra services by him already performed for the same County & the Sum so allowed shall be paid out of the Treasury of that County.

Approved June 19, 1798.

1798. — Chapter 7.

[May Session, ch. 6.]

AN ACT IN FURTHER EXPLANATION OF AND ADDITION TO AN ACT, ENTITLED "AN ACT FOR INCORPORATING A CERTAIN PART OF THE TOWN OF LEE INTO A SCHOOL DISTRICT BY THE NAME OF THE HOPLAND SCHOOL DISTRICT."

School taxes,
assessment and
collection of.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That whenever the Rents and Incomes of the School Lands and other property belonging to the said District shall be insufficient for the purpose, the said District may, at any District Meeting, regularly called and warned therefor, from time to time, grant such School Taxes as may be necessary and sufficient, together with such Rents & Incomes to build & repair a suitable School-House or School-Houses for said District, and to provide and support a suitable School or Schools within and for said District; which Taxes shall be assessed by the Assessors of said District or by the Assessors of said Town of Lee for the time being, upon application of said District, upon the Polls and Estates belonging to said District, and shall be collected by the Collectors of the said District, or by the Collectors of said Town of Lee, for the time being, upon application of said District, in the same manner and under the same regulations and penalties, as Town-School Taxes by Law are assessed and collected.

District powers. SECT. II. *Be it further Enacted by the Authority aforesaid,* that the said District shall be understood and construed to be capable of suing and being sued, and of appearing in Court to prosecute or defend, and of possessing, improving and leasing from time to time, the School-Lands belonging to said District by a Committee or Agents thereto duly appointed, at any Meeting regularly called and warned therefor.

SECT. III. *Be it further Enacted by the Authority*

aforesaid, that the said District shall have power to exchange any parts or parcels of the School-Lands belonging to said District for other Lands lying within said District, to be holden in the same manner and to the same uses as the lands so exchanged.

Lands may be exchanged.

SECT. IV. *And be it further Enacted by the Authority aforesaid*, that the said District shall be capable of taking any Estate Real or Personal to the amount of Five thousand Dollars, which may hereafter voluntarily be bequeathed, granted or given to said District, for the use and support of a School or Schools and of holding the same for the use of Schools within said District.

Donations may be received.

Approved June 19, 1798.

1798. — Chapter 8.

[May Session, ch. 8.]

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT TO INCORPORATE THE EAST PART OF GREENFIELD IN THE COUNTY OF HAMPSHIRE INTO A TOWN BY THE NAME OF GILL," PASSED THE TWENTY EIGHT[H] DAY OF SEPTEMBER IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY THREE.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the bridge over Fall River, so called, between Stevens' Mills, shall in future be built supported & maintained wholly by the Town of Greenfield so long as the Road over the same shall be continued; and that the bridge over said River, near the mouth thereof, shall be built, supported, & maintained wholly by the Town of Gill so long as the road over the same shall be continued, any thing in the Act to which this is an addition, to the Contrary notwithstanding.

Greenfield to maintain upper bridge over Fall river.

Gill to maintain the lower bridge.

Approved June 19, 1798.

1798. — Chapter 9.

[May Session, ch. 10.*]

AN ACT IN ADDITION TO, AND EXPLANATORY OF, AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND SEVENTY EIGHT, INTITLED "AN ACT FOR DIVIDING AND SETTING OFF THE WESTERLY PART OF THE TOWN OF NEWTON IN THE COUNTY OF MIDDLESEX, INTO A SEPERATE PRECINCT BY THE NAME OF THE WEST PRECINCT."

Be it enacted by the Senate and House of Representatives in General Court assembled & by the Authority of the

* No chapter 9 in session pamphlet.

Lands to be
taxed in the
Precinct where
they lie.

same, That all the lands lying on either side of the divisional line of the Precincts of said Town as described in said act of division, which are owned or possessed, or which hereafter shall be owned or possessed by persons, other than those, who were the Owners and Occupiers of such lands at the time of the passing of the Act, to which this is an addition, shall be taxed and assessed in the Precinct, where such lands lie, any thing in the Act of Division aforesaid to the contrary notwithstanding.

Approved June 20, 1798.

1798. — Chapter 10.

[May Session, ch. 11.]

AN ACT TO INCORPORATE CERTAIN PERSONS IN THE TOWN OF WRENTHAM, FOR THE PURPOSE OF CONDUCTING WATER BY SUBTERRANEAN PIPES IN SAID TOWN.

Persons incor-
porated.

Title.

First meeting.

Officers to be
chosen.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same*, that John Hall, Samuel Cowell, Phillip Blake, Madey Decoublans, John Madey, Cyrus Bean, Ebenezer Foster, Oliver Farrington, Luther Fisher, Lemuel Brown, William Brown & Daniel Shaw, with such others as are now, or may hereafter be associated with them, or their successors, be & they are hereby constituted a Corporation by the name of “The first Aqueduct Company in Wrentham” and by that name may sue & be sued; *Provided* that nothing in this Act shall authorise the said Proprietors to enter on, or to make use of private property, without the consent of the Owner.

SECT. 2D. *Be it further enacted* that the first meeting of the said Corporation, may be called and notified by any three of said Proprietors by a Written notification posted up at the first meeting house in said Wrentham, seven days at least previous to the meeting, which notification shall set forth the purposes, & the time & place of said Meeting, to choose a Clerk & such other officers as they may think necessary, to agree upon a mode of calling future meetings, to establish rules & regulations not repugnant to the Laws of this Commonwealth, & to transact such other business as shall be necessary to effect the object of their incorporation. And the said Proprietors by a major vote of those present, accounting one vote to each share (*provided* that no proprietor has more than

five votes) may impose any fines & forfeitures, not exceeding Ten dollars & levy the same in due course of Law.

SECT. 3D. *And be it further enacted*, that the said Proprietors may dig up any Public or Town way for conducting water as aforesaid, *Provided*, they do not obstruct the rightful use of the same. And any person wilfully injuring the said Aqueduct shall be subject to the same pains & penalties as are provided in the second Section of the Act, entitled “An Act for the more effectually preventing of trespasses in divers cases” & shall also be liable to make good all damages so done to the said Aqueduct or Proprietors.

Highway may be dug up.

Penalty for damaging Aqueduct.

Approved June 21, 1798.

1798. — Chapter 11.

[May Session, ch. 12.]

AN ACT TO CONTINUE IN FORCE AN ACT PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY SIX, ENTITLED “AN ACT ESTABLISHING & REGULATING THE FEES OF THE SEVERAL OFFICERS & OTHER PERSONS HEREAFTER MENTIONED, & FOR REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE.”

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, that the said Act be & hereby is continued in force untill the first day of May next, any thing therein contained to the Contrary notwithstanding.

Act continued.

Approved June 21, 1798.

1798. — Chapter 12.

[May Session, ch. 13.]

AN ACT TO SET OFF RICHARD ROGERS OF KITTERY IN THE COUNTY OF YORK, FROM THE FIRST PARISH OF KITTERY, AND TO ANNEX HIM AND HIS ESTATE TO THE THIRD PARISH IN SAID TOWN.

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the Authority of the same, that Richard Rogers of Kittery in the County of York, with his Estate, be and is hereby set off from the said first Parish and annexed to the third Parish in said Town: *Provided* that said Rogers shall pay his proportion of Parish Charges, due from him to the said first Parish, prior to the date of this Act.

Set off.

Proviso.

Approved June 21, 1798.

1798. — Chapter 13.

[May Session, ch. 16.]

AN ACT PROVIDING FOR THE CESSION OF CASTLE ISLAND, IN THE HARBOUR OF BOSTON, TO THE UNITED STATES AND FOR OTHER PURPOSES THEREIN MENTIONED.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Island in the Harbour of Boston, called Castle Island, be, and hereby is granted and ceded to the United States for the purpose of erecting Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings thereon, for the defence of the United States; reserving the Ordnance and all the warlike stores now on said Island, which are the property of this Commonwealth.

Castle Island
ceded.

Jurisdiction of
other territory
ceded.

SECT. II. *Be it further Enacted,* That the consent of this Commonwealth be, and hereby is granted to the United States to purchase an Island in the Harbour of Boston, called Governor's Island, & also a Tract of land, not exceeding Six hundred and forty acres, situated in the Town of Springfield, in the County of Hampshire, for the sole purpose of erecting Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings: The evidence of the purchases aforesaid, to be entered and recorded in the Registry of Deeds in the Counties where the same lands are respectively situated. *Provided always,* and the Cession and Consent aforesaid are granted upon the express condition, That this Commonwealth shall retain a concurrent Jurisdiction with the United States in and over the Islands and Tract of Land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said Islands and Tract of Land, may be executed therein in the same way and manner as tho' this Cession and Consent had not been made and granted: *Provided also,* That the Officers and Soldiers stationed on Castle Island, shall remain there for the purpose of guarding the Convicts and for the defence of this Commonwealth, under the Command of the Governor thereof, until the United States shall accept of the Cession herein made and shall take possession thereof for the purposes expressed in this Act.

Proviso.

Further proviso.

SECT. III. *And be it further Enacted*, That if the Agent employed for the United States and the Owner or Owners of said Island or Tract of Land, so to be purchased, cannot agree in the sale and purchase thereof, such Agent may apply to any Court of General Sessions of the Peace, which shall be holden within and for the County wherein said Governor's Island or Tract of Land is situated; which Court, after due notice given to the said Owner or Owners, are hereby empowered and directed to hear and finally determine the value of the same Island or Tract of Land by a Jury under oath, to be summoned by the Sheriff or his Deputy for that purpose, or by a Committee of three persons, if the parties aforesaid can agree upon them: And the value thereof being thus ascertained by the Verdict of such Jury, or the Report of such Committee, who are also to be under Oath, faithfully and impartially to value said Island or Tract of Land; and such Verdict or Report being accepted and recorded by said Court, and the amount thereof being paid or tendered to the Owner or Owners of said Island or Tract of Land, with his or their reasonable costs, the said Island or Tract of Land shall forever be vested in the United States, and shall and may be by them taken, possessed and appropriated to the purposes aforesaid. *Approved June 25, 1798.*

Case of disagreement with the owners of ceded territory.

1798. — Chapter 14.

[May Session, ch. 15.]

AN ACT IN ADDITION TO THE ACT ENTITLED AN ACT TO PREVENT THE DISTRUCTION OF OYSTERS AND OTHER SHELL FISH IN THIS COMMONWEALTH.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled and by the Authority of the same*, that all the provisions, restrictions and penalties of and proceedings directed in the said Act passed in the year of our Lord One thousand seven hundred & ninety six be & the same are hereby extended to the Town of Wellfleet in the County of Barnstable.

Extended to Wellfleet.

SECT. 2D. *And be it further enacted*, that no fisherman shall take from said Town of Wellfleet, or any town mentioned in the Act, to which this is an addition, any such fish, exceeding the quantity of seven bushels in a week, including the shells, any thing in the Act to which this is an addition notwithstanding. *Approved June 25, 1798.*

Quantity of shell Fish allowed to be taken.

1798. — Chapter 15.

[May Session, ch. 14.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT REGULATING THE TAKING OF THE FISH CALLED ALEWIVES IN THE TOWN-BROOK SO CALLED IN THE TOWN OF PLYMOUTH," PASSED THE TWENTIETH DAY OF JUNE, IN THE YEAR OF OUR LORD ONE THOUSAND, SEVEN HUNDRED AND EIGHTY NINE.

Fresh Pond
Brook included.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That the said Act, to which this is an addition, and all parts, clauses and provisions thereof, shall extend to include one other Brook in said Town of Plymouth, known by the name of Fresh Pond Brook, in the second Precinct of said Town; and the taking of the Fish aforesaid in said Fresh Pond Brook, is hereby authorized in the same manner and under the same rules regulations and restrictions in every respect, as the same is authorized in and by the Act to which this is an addition, in the aforesaid Town Brook, and no otherwise, — any thing in said former Act notwithstanding. *Provided nevertheless,* that the Inhabitants of the Town of Plymouth may, at their annual meeting in March or April, fix and determine at what place in Fresh Pond Brook said fish may be taken.

Proviso.

Approved June 25, 1798.

1798. — Chapter 16.

[May Session, ch. 19.]

AN ACT IN ADDITION TO THE SEVERAL ACTS RESPECTING THE PROPRIETORS OF MIDDLESEX CANAL.

Preamble.

Whereas by An Act passed on the twenty eighth day of February, in the Year of our Lord one thousand, seven hundred and ninety five, it is provided and Enacted, That the Corporation of the Middlesex Canal shall have power to receive and hold real estate, as appendant to the same Canal, and for the purpose of facilitating the business of the same, to the value of Thirty Thousand Pounds, over and above the value of the Canal itself: And the Proprietors of said Canal having expressed their doubts whether, in virtue of said Act, they may erect & hold Mills on the same Canal, and on the waters with which it is or shall be connected;

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Corporation of the Middlesex Canal, or the Proprietors of the said Canal, in their Corporate capacity, shall have power to purchase and hold any Mill-seats on the waters connected with the same Canal, and Lands to accomodate the same, and thereon to erect Mills; and that all such Lands, or Mill-seats, so held by the said Corporation, shall be liable to be taxed as Real estate in the Towns where the same shall be, according to the Laws in being, for assessing taxes.

May hold mill-seats, &c.

Provided nevertheless, That nothing herein shall be construed to repeal or annul the restrictions under which the said Proprietors and Corporation are laid by former Acts respecting the waters of Shawshine river, or the ponds, brooks, or streams emptying their waters into the same: *And provided also,* That all the Mill-seats and land purchased or received by the said Corporation, shall not exceed the sum of One hundred & thirty thousand Dollars.

Proviso.

Approved June 25, 1798.

1798. — Chapter 17.

[May Session, ch. 17.]

AN ACT TO INCORPORATE CERTAIN PERSONS TRUSTEES TO MANAGE THE FUNDS FOR THE PERMANENT SUPPORT OF A PÆDO-BAPTIST CONGREGATIONAL MINISTER, THAT MAY OFFICIATE IN THE MEETING HOUSE NEAR THE FOUR CORNERS, IN THE SOUTHERLY PART OF DIGHTON, IN THE COUNTY OF BRISTOL.

Whereas two tracts of land have been conveyed by deeds of the late Sylvester Richmond Esqr. and Joseph Atwood to certain persons as feoffees in trust to & for the use of the congregation usually assembling at the Meeting house aforesaid; & a fund of about one thousand Dollars having been raised by the sale of the Wood growing on these lands, and otherways, for the support of such officiating minister; & the present feoffees in trust having petitioned the Legislature for an Act of incorporation for the better management thereof, & the lands so conveyed.

Preamble.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, & by the Authority of the same,* That William Baylies, Sylvester Richmond, John Hathaway, Hodijah Baylies, Joseph Atwood, Silvester Atwood Junr. David Andrews, George Ware,

Persons incorporated.

Trustees appointed.

& Thomas Baylies Richmond, all of the said Town of Dighton be, & they are hereby appointed Trustees to receive & hold the above mentioned fund, & all other money for the purpose aforesaid however accruing, to the amount of Eight thousand & five hundred Dollars, in trust, for the use & benefit of said Congregation, & the permanent support of the pædobaptist congregational minister that shall preach to them in the meeting house aforesaid; & shall constitute a Body Politic & Corporate to have perpetual succession for the due & faithful management of said Trust; & shall be vested with all powers incident to corporations, necessary or requisite for that purpose.

Annual meeting.

SECT. 2D. *Be it further enacted*, That the Trustees before mentioned shall forever hereafter hold a meeting in the Town of Dighton in the Month of June annually, the time & place of said meeting to be notified by the Major part of the Trustees by posting an advertisement thereof in some public place in said Town, seven days at least before the time of said meeting.

Treasurer to be chosen.

At such meeting the Major part of the Trustees present may annually chuse a Treasurer with whom the money or securities for money constituting the funds, may be deposited, & who shall, under the controul & by the order of the Trustees or the Major part of them, receive in, deliver up, or pay out such money or securities: And the person so chosen shall give bond, if required, at the discretion of the trustees, for the faithfull performance of his duty; And the Major part of the Trustees present at such meeting are also impowered to chuse a clerk annually, to keep a record of the proceedings & doings of the trustees. And the Trustees are further impowered from time to time at any of their meetings called in the manner aforesaid to fill up the vacancies occasioned by the death, resignation, or removal of any of the trustees.

Clerk to be chosen.

Trustees empowered to fill vacancies.

— to sell land.

SECT. 3D. *Be it further enacted*, That the said trustees be & hereby are impowered to sell the tracts of land aforesaid, for the most the same will fetch, either at Private sale or Public vendue & place the proceeds at Interest, which are to be considered as belonging to the fund; And the said Trustees are also hereby impowered to make legal & authentic conveyances of the Pews in the aforesaid meeting house to any person who has or may purchase the same.

— to convey pews.

— may receive donations, &c.

SECT. 4TH. *Be it further enacted*, That the Trustees before mentioned & their successors in office be & hereby

are invested with sufficient power to receive all subscriptions, grants, appropriations and donations, whether real or personal, that may hereafter be made for the purpose of supporting a Pædobaptist congregational minister that does or shall officiate in the aforesaid meeting house; *provided* these shall not exceed when added to the above mentioned fund, the sum of eight thousand five hundred dollars, & place all the money that shall be in their hands as trustees at Interest on good security at their discretion; & apply the whole of the interest arising therefrom, or any part thereof, to pay the Salary of such Minister officiating in the Meeting house aforesaid; or for enlarging said fund, as the said Congregation shall from time to time order or direct: But not in any case to lessen or make use of any part of the principal. And should the interest of the fund at any time hereafter be more than sufficient to pay the Salary of the aforesaid minister the surplus shall be applied to the support of schools for the benefit of said Congregation.

Proviso.

Amount of fund limited.

SECT. 5TH. *Be it further enacted*, That the Trustees or the Major part of them be & hereby are empowered to call a meeting of the said congregation at any time for the purpose of giving directions relative to the applications of the interest of the fund, by posting a Notification thereof in some public place in Dighton, seven days at least previous to the time appointed for said Meeting: And at such Meeting the said Trustees shall annually lay before the said Congregation in writing an account of their proceedings, disbursements, & the state of the fund.

Meetings may be called at any time.

Annual statement to be made.

Approved June 25, 1798.

1798. — Chapter 18.

[May Session, ch. 18.]

AN ACT TO INCORPORATE A NUMBER OF INHABITANTS IN EACH OF THE TOWNS OF MARSHFIELD, SCITUATE, DUXBORO', PEMBROKE & HANOVER INTO A SEPERATE RELIGIOUS SOCIETY, BY THE NAME OF THE BAPTIST RELIGIOUS SOCIETY IN MARSHFIELD.

SECT. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same*, that William Curtis, James Curtis, James Foord, William Curtis junr. Briggs Hatch, William Church, James Ewell, Seth Joyce, David Joyce. Thomas Macumber. Thomas Macumber junr. Ebenezer Sherman,

Persons incorporated.

Joseph Sherman, Asa Thomas, Thomas Joyce junr. Gershom Ewell, Stephen Stetson, Stephen Stetson junr. Jonathan Joyce, Prince Hatch, John Hiland, Ichabod Sherman, Elisha Sherman, Jedediah Ewell, John Trowant, Alason Carver, Aaron Sherman, Elisha Barker, Ezekiel Jones, Zaccheus Lambert, Benjamin Thomas, Abner Curtis, Joshua Magowan and Robert Howland, Members of the said Religious Society together with their polls and Estates be and they hereby are incorporated by the name of the Baptist Religious Society in Marshfield with all the privileges, powers and immunities which Parishes in this Commonwealth by Law enjoy.

Corporate name.

How to become a member.

SECT. 2. *Be it further Enacted by the authority aforesaid*, that any person in the said towns of Marshfield, Scituate Duxboro', Pembroke and Hanover in the County of Plymouth, who may at any time hereafter actually become a Member of, & unite in religious worship with said Baptist Religious Society, & give in his or her name to the Clerk of the Parish, to which he or she did heretofore belong, with a Certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a Member of & united in Religious worship with said Baptist Religious Society in Marshfield, fourteen days previous to the Parish Meeting therein, to be held in the month of March or April annually, shall, from and after giving such Certificate, with his or her polls & estate be considered as a Member of said Society. *Provided however*, that such person shall be held to pay his or her proportion of all monies assessed or voted in the Parish to which he or she belonged previous to that time.

Proviso.

How to separate from the society.

SECT. 3. *Be it further Enacted by the authority aforesaid*, that when any member of said Society shall see cause to leave the same & unite in religious worship with any other Religious Society in the Town or Parishes in which he or she may live, & shall give in his or her name to the Clerk of the Baptist Religious Society aforesaid, signed by the Minister or Clerk of the Parish, or other incorporate religious Society with which he or she may unite, that he or she hath actually become a Member of, and united in religious worship with such other Parish or other Incorporate Religious Society, fourteen days previous to their annual Meeting in March or April, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall from & after giving such

Certificate, with his or her polls and Estate, be considered as a Member of the Society, to which he or she may so unite.

SECT. 4. *And be it further Enacted* that John Turner Esqr. be, and he is hereby authorized to issue his Warrant, directed to some suitable Member of said Society, requiring him to warn the members of said Society, qualified to vote in Parish affairs, to assemble at some suitable time and place in said Town of Marshfield, to choose such Parish Officers as are by law required to be chosen in the Months of March or April annually and to transact all other matters & things necessary to be done in said Society.

First meeting.

Approved June 25, 1798.

1798. — Chapter 19.

[May Session, ch. 20.]

AN ACT FOR SETTING OFF A CERTAIN TRACT OF LAND BELONGING TO THE TOWN OF HANCOCK IN THE COUNTY OF BERKSHIRE & ANNEXING THE SAME TO THE DISTRICT OF NEW ASHFORD IN SAID COUNTY.

Be it enacted by the Senate, and House of Representatives in General Court assembled & by authority of the same that the land belonging to Hancock with the Inhabitants thereon contained within the boundary Lines hereafter mentioned & described to wit. begining at a Stake & Stones eleven rods north — eighty degrees west from Benjamin Shearwood's north east Corner standing in the South line of Williamstown thence runing the same course on Williamstown line three hundred & eighty nine rods thence south nineteen degrees west nine hundred & fifty rods to Nathan Baxter's south west corner thence east nineteen degrees south two hundred & forty one rods to the north west corner of Town of Lanesborough, thence north thirty one degrees east nine hundred & ninety rods to the first mentioned bounds be & hereby is set off from the town of Hancock, and annexed to the district of New-ashford, & shall forever hereafter be considered as belonging to, & making part of the said district of New Ashford.

Boundaries of
land set off.

Provided nevertheless, that nothing in this Act, shall in any manner effect or discharge the Taxes already assessed or ordered to be assessed in the Town of Hancock, but the inhabitants aforesaid, shall be considered as held to pay all such taxes which remain due & unpaid to said Town of Hancock.

Proviso.

Approved June 25, 1798.

1798.—Chapter 20.

[May Session, ch. 21.]

AN ACT MORE EFFECTUALLY TO PREVENT THE PERNICIOUS PRACTICE OF GAMING.

Innholders, &c.
 forbidden to
 suffer gaming.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that no Inholder, Tavern-keeper, Victualler or Person licenced as a Retailer of Spirituous liquors, shall keep, or suffer to be kept any Table for the purpose of playing at Billiards, in any House, Yard, Garden or other Appendages to him or her belonging, or by him or her occupied or improved. And if any Inholder, Tavern-keeper, Victualler or Retailer of Spirituous liquors, licensed as aforesaid, shall keep or suffer to be kept in any house, Building, Yard, Garden or other Appendages to him or her belonging, or by him or her occupied or improved, any such Table for the purpose of playing at Billiards, or shall suffer or wittingly and willingly allow any person to play therein at Billiards, Cards, Dice or any other unlawful Game, he or she so offending, upon conviction thereof on an Indictment of the Grand Jury, before the Court of General Sessions of the Peace, or the Supreme Judicial Court, shall for each and every such Offence, forfeit and pay the sum of Fifty Dollars to the use of the Town where such offence shall be committed & shall be deprived of his or her license for the remainder of the Year, and shall not obtain a renewal thereof for the space of three Years next ensuing.

Penalties.

Private billiard
 tables, &c. pro-
 hibited.

SECT. 2. *Be it further Enacted*, that if any Person not licensed as an Inholder, Tavernkeeper, Victualler, or Retailer of Spirituous Liquors, shall keep or suffer to be kept in any House, Building, Yard, Garden or other appendages thereof by him or her actually occupied or improved, any Tables for the purpose of playing at Billiards for hire, gain or reward, or shall for hire, gain or reward, allow and suffer persons to resort to the same for the purpose of playing at Billiards, Cards or Dice, or at any other unlawful Game, such person so offending, on conviction thereof as aforesaid, shall for each & every such offence forfeit and pay the sum of Fifty Dollars to the use of the Town where the offence shall be committed, and further shall be obliged to recognize with sufficient

Penalties.

surety or sureties in a reasonable sum for his or her Good behaviour, and particularly that he or she will not be guilty of a Breach of this Act for the space of three Years next ensuing.

SECT. 3. *Be it further Enacted*, that if any person shall play at Billiards, at any Table kept or made use of for the purpose aforesaid, he shall on conviction thereof, forfeit and pay a fine of Six Dollars for each and every such Offence, to be recovered by Action or Complaint before any Justice of the Peace, in and for the County where the Offence shall be committed, to the use of him or them who may prosecute or sue for the same.

Penalty for playing.

SECT. 4. *And be it further Enacted*, that it shall be the duty of all Selectmen, Sheriffs, Deputy Sheriffs, Constables, Tything-men, & Grand Jurors to complain of any breeches of this Act.

Officers directed.

Approved June 27, 1798.

1798. — Chapter 21.

[May Session, ch. 22.]

AN ACT AUTHORIZING JAMES BAYLEY AND OTHERS TO CONDUCT WATER IN SUBTERRANEAN PIPES WITHIN THE TOWN OF AMESBURY.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, & by the Authority of the same*, that James Bayley, David Lowell, Joseph Morse, Joseph Hoyt, Nathan Long, Eli Gale and Willibee Hoyt all of Amesbury in the County of Essex, with such other persons as may become proprietors in the said Water Works, be and they hereby are incorporated a body politic for the purpose of conveying Water by pipes within the Town of Amesbury, by the name of “the Proprietors of Amesbury ferry Aqueduct” and by that name may sue & be sued to final Judgment and execution, and do and suffer all matter acts and things which bodies politic may or ought to do or suffer—*provided* that nothing in this Act shall authorize said Corporation to enter upon or use for that purpose the land of any person without licence therefor first had of the proprietors of such land.

Persons incorporated.

Corporate name.

SECT. 2D. *Be it further enacted*, that any three of the persons above named, may by notification to be posted up at the house of Ezra Worthen Innholder in Amesbury call a meeting of the said Proprietors to be holden at any suitable

First meeting.

Power.

time & place within said Town of Amesbury seven days at least after posting up such notification; And the said Proprietors by a Major vote of those present accounting one Vote to each Share, shall chuse a Clerk, agree upon a mode of calling future meetings of said Proprietors, & may also elect any other Officers which to them shall appear necessary for carrying into effect the object of thier incorporation, may enjoin & order fines & penalties for the breach of any of their rules and by-laws not exceeding ten Dollars for any one breach thereof. And all persons appearing at any of said Meetings to represent any of said Proprietors shall have an appointment in writing Signed by the person so to be represented which shall be filed with or recorded by the Clerk of the Corporation, whose duty it shall be fairly & truly to enter & record in a book to be kept for that purpose this Act & all rules & by-laws votes & proceedings of said Corporation — And the Clerk chosen as aforesaid shall be sworn to the faithful discharge of the duties of his Office.

Highways may be dug up.

SECT. 3D. *Be it further enacted* that the said Proprietors be & they are hereby authorized to enter upon & dig up any High-way for the purpose of placing such pipes as may be necessary to complete said Aqueduct or for repairing the same, *provided* they do not thereby in the least impede the passing of travellers.

Proviso.

Persons injuring Aqueduct.

SECT. 4TH. *Be it further enacted* that any person who shall wilfully injure said Aqueduct shall be subject to the same penalties as are provided in the second section of an Act entitled “an Act for the more effectually preventing trespasses in divers cases” passed in the year of our Lord One thousand seven hundred & eighty five, and shall be liable to make good all damages done to said Proprietors.

Shares attachable.

SECT. 5. *And be it further enacted* that any share or shares in said Property shall be liable to attachment on Mesne Process & such attachment shall be made by leaving an attested Copy of such process with the Proprietor's Clerk at the time of such attachment: & such share or shares may be Sold on Execution, in the same manner as is or may be provided for in the Sale of personal property by Execution, the Officer making Sale leaving a Copy of the Execution with his return on the same with the Clerk of the proprietors within ten days after such Sale.

Transfer.

SECT. 6TH. *And be it further Enacted* that the mode of Selling or transferring Shares in said Corporate prop-

erty shall be by deed & acknowledged before a Justice of the peace & recorded by the Clerk of said Proprietors in a book kept for that purpose. *Approved June 27, 1798.*

1798. — Chapter 22.

[May Session, ch. 23.]

AN ACT IN ADDITION TO THE ACT ESTABLISHING THE THIRD MASSACHUSETTS TURNPIKE CORPORATION.

SECT. 1ST. *Be it enacted by the Senate and house of Representatives in General Court Assembled & by the Authority of the same* that the said Corporation may make a turnpike road from the West line of Pittsfield to the West line of Hancock near Lebanon Springs so called ; & when the said road shall be sufficiently made, & shall be so allowed, & approved by the Justices of the Court of General Sessions of the Peace for the County of Berkshire, or a committee by the said Court to be appointed, then the said Corporation shall be authorized to erect one Turnpike Gate on the same, at such place as the said Court shall from time to time direct & shall be allowed to receive from each traveller & passenger at said Gate, the same rates of toll as they now are or hereafter may be allowed by law to take & receive at either of the other gates already established. *Provided* that the General Court shall have authority at any time within ten years from the passing of this Act to regulate the toll to be taken at the Gate to be set up in Hancock, should it be found on experiment to be set too high. *Provided also* that said Corporation may at any time demand & receive a less rate of toll than is provided in the Act to which this is in addition.

New Turnpike road from Pittsfield to Hancock.

Toll allowed.

Proviso.

SECT. 2D. *And be it further enacted* that the said Corporation shall not in future demand & receive for any oxen, horses & neet Cattle, led or driven over the said road, besides those in teams & Carriages more than One Cent each, & for every chaise, chair, or other carriage, drawn by one horse, the said Corporation may demand & receive twelve Cents & five Mills, any thing in the said Act to the contrary notwithstanding.

Toll for cattle, carriages, &c.

SECT. 3D. *And be it further enacted*, that the said Corporation may, if they see fit, commute the rate of toll with any Person, or with the Inhabitants of any town, through which the said road passes, by taking of him or

Conditional commutation of toll.

them any certain sum annually, to be mutually agreed on in lieu of the toll established in & by said Act.

Westhampton
to be agreed
with annually.

SECT. 4TH. *And be it further enacted*, that the said Corporation may if requested in writing by the Inhabitants of the Town of Westhampton, agree once in every three years, on three men, who or the Major part of whom shall award & determine what sum of money shall be paid by the Inhabitants of the said Town annually to the said Corporation, in lieu of toll at the East Gate: which three men, if no choice can be mutually agreed on, shall be appointed in manner following; that is to say, the said Corporation, shall appoint one person, the said Inhabitants shall appoint a second person, & those two persons thus appointed shall choose the other; & the said award & determination shall be made in writing & delivered to each of the parties; & if the said Inhabitants shall on the first day of January or within ten Days after, in each year, pay such sum of money to the Treasurer of the said Corporation as shall be so awarded, it shall not be lawful for the said Corporation to receive any toll of any Inhabitant of the said Town, at said East Gate, during one year then next following said first day of January: & if the President & Directors of the said Corporation shall not when requested by the Agent or Agents of the said Town, within Twenty days, agree in one of the modes aforesaid on the appointment of three men to make such award & determination, it shall be unlawfull for the said Corporation to demand or receive any toll of any Inhabitant of that town untill the said Directors shall agree to such appointment, & untill such award & determination shall be made: & every such request from the said Inhabitants, shall be in writing, & signed by their agent or Agents, & delivered to the President or one of the Directors: & such award or Determination so made shall be binding on said Parties for the term of three years only, unless, said Inhabitants & the said Corporation, shall be satisfied therewith; but if either of the parties are not satisfied & request it, a new appointment shall be made once in three years, & another determination had.

Commutation of
toll on carts
allowed.

SECT. 5. *And be it further enacted*, that the said Corporation may if they see fit, demand & receive a less toll for the passing of Carts & Carriages with broad wheels than that prescribed in the Act to which this is in addition.

Approved June 27, 1798.

1798. — Chapter 23.

[May Session, ch. 27.]

AN ACT TO SECURE THE TOWN OF BOSTON FROM DAMAGE BY FIRE.

SECT. I. *Be it enacted by the Senate and house of Representatives in General Court Assembled, and by the Authority of the same,* That every meeting house, school house, & every other public building, & every distill house, brewery, malt house, or livery stable, which shall be erected in the Town of Boston from & after the first day of September next, shall have the external walls of the same, except so much as may be necessary for doors & windows, composed entirely of brick or stone, & the Roof thereof covered entirely with Slate, tile, or some incombustible composition, & the eaves & gutters effectually secured against fire.

Public buildings, &c. to be built of brick or stone.

SECT. II. *And be it further enacted,* That all dwelling houses, & all other buildings, more than fourteen feet high, from the ground to the highest point of the roof thereof, which shall be erected in said Town, after the first day of September next, shall have one of the largest sides thereof, or any two sides or ends, if equal to one of the largest sides, composed entirely of Brick or stone, except so much as may be necessary for doors & windows; & the roofs of said dwelling houses & buildings shall be entirely covered with Slate Tile or some incombustible composition, & the eaves & gutters secured as before directed. And no brick or stone wall shall be deemed sufficient within the meaning of this Act, unless the same shall be at least, twelve inches thick in the lower story & eight inches thick above the lower story, and the partition walls of all double houses or other buildings shall be built entirely of brick or stone, of at least the thickness last mentioned, & shall rise in battlements, at least three feet above the roof: And all additions which shall be made to buildings already erected, & all buildings which shall be erected on old foundations, in part or in whole, shall be deemed & considered within the restrictions & regulations of this Act. *Provided however,* That upon any wharf marsh or other place, where no sufficient foundation can be obtained without unreasonable expence, on permission of the Firewards of said Town or any nine of

Dwelling houses, how to be built.

Proviso.

them, in witting, wooden buildings of not more than two stories high may be erected, which shall be covered on all sides, with Slate, tile or lime mortar, & the roofs, eaves & gutters shall be secured as before directed.

Penalty for
altering houses
contrary to law.

SECT. III. *And be it further enacted*, That every person who shall erect or add to, or cause to be erected or added to, any building in said Town of Boston, contrary to the true intent & meaning, & against the provisions of this Act, shall forfeit & pay a fine, not less than Fifty Dollars, nor more than Five Hundred Dollars, according to the nature & aggravation of the Offence, to be recovered by information in the Supreme Judicial Court, in the County of Suffolk, which it shall be the duty of the Attorney General to file, in all cases which may come to his knowledge, or by indictment before said Court.

Yearly penalty
for suffering
improper build-
ings to stand.

SECT. IIII. *And be it further enacted*, That in addition to the fines above mentioned, there shall be laid & assessed upon every house, or other building which shall be erected contrary to the provisions of this Act, the sum of Fifty Dollars annually, & every year, untill a Brick or Stone wall shall be erected, of the dimensions above provided, & untill the same shall be effectually secured against fire — according to the Provisions of this Act. And it shall be the duty of The Firewards of the said Town of Boston, to return to the Assessors of said Town annually, a list of all such houses or other buildings, erected against the Provisions of this Act, together with attested copies of the record of the Conviction of the Person or Persons who erected the same, before the said Judicial Court, & thereupon it shall be the duty of the said Assessors, to assess upon the Owner or Owners of such building or buildings for the time being the said sum of Fifty dollars, in addition to his her or their other taxes, which shall be recovered in the same way & manner, as other taxes are or shall be collected, & the same remedy is hereby given to the Collector or Collectors of Taxes for the recovery thereof. *Provided nevertheless*, That no such building or buildings shall be subjected to such annual Tax, untill an Attested Copy of said Conviction, shall have been duly recorded in the Office of the Register of Deeds for the County of Suffolk, whose duty it shall be to receive & record the same.

Ropemakers'
tar kettles.

SECT. V. *And be it further enacted*, That every Tar Kettle which shall be made use of in said Town for the

purpose of boiling Tar for the use of any Rope Walk, shall be so fixed as to prevent all communication whatsoever between the Tar & the Fire, & that the Fire Place under every such Kettle, shall be constructed with an arch built over the same, & secured by an Iron Door in such manner as to enclose the fire therein.

SECT. VI. *And be it further enacted*, That every person who shall carry any fire through the Streets, lanes, or on any wharves, in said Town, except in some covered Vessel, or shall smoke, or have in his or her possession, any lighted pipe or segar, in any street, lane or passage way, or on any wharf in said Town, shall forfeit & pay for each & every offence the sum of two Dollars, to be recovered of the person so offending, or of his parent, Guardian, Master or Mistress, before any Justice of the Peace of the County of Suffolk upon complaint made upon Oath.

Penalty for smoking or carrying fire uncovered in the streets, &c.

SECT. VII. *And be it further enacted*, That if any person shall have in his or her possession, in any Rope walk within said Town any fire, lighted pipe, or segar, candle or lamp, he shall forfeit & pay for each offence, a sum not exceeding one hundred Dollars nor less than five Dollars, to be recovered in any Court proper to try the same.

Penalty for having fire in a ropewalk.

SECT. VIII. *And be it further enacted*, That it shall be the duty of each & every Fireward in the Town of Boston, & they & each of them are hereby required, to enquire after, & give information to the Attorney General of all offences, which may be committed against the true intent & meaning of this Act, cognizable before the Supreme Judicial Court, or Court of General Sessions of the Peace; & to some Justice of the Peace, for all offences committed against this Act, & cognizable by a Justice of the Peace.

Firewards to file complaints.

SECT. IX. *And be it further enacted*, That the Act entitled, “An Act to secure the Town [of] Boston from damage by Fire,” be, & the same is hereby repealed from & after the said First day of September next, excepting that such parts thereof as may be necessary to recover all fines & penalties incurred upon the Act aforesaid, shall still remain in full force.

Former law repealed.

SECT. X. *And be it further enacted*, That all the fines, penalties & Assessments, which shall be recovered by force of this Act shall accrue & enure one half to the use of the Poor of the Town of Boston, to be paid to the Overseers thereof, & the other half to the Firewards of said Town.

Appropriation of fines, &c.

Approved June 27, 1798.

1798. — Chapter 24.

[May Session, ch. 28.]

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ESTABLISHING COURTS OF COMMON PLEAS."

Four Justices
to be appointed.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same; — That where in any Court of Common Pleas, there are not now, or hereafter may not be, four Justices in Commission, His Excellency the Governor, with advice of Council shall appoint a Chief Justice, and hereafter the said Court of Common Pleas shall consist of a Chief Justice and three other Justices qualified as the Law directs appointed by his Excellency the Governor with the advice of Council: And that all Writs and Processes, issuing from the several Courts of Common Pleas shall bear Test of the first or Chief Justice, and in case the said first or Chief Justice shall be a party, then such writ or process shall bear test of the next senior Justice, if he is not a party.

Approved June 27, 1798.

1798. — Chapter 25.

[May Session, ch. 24.]

AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS OF THE TOWNS OF HARWICH, DENNIS AND CHATHAM IN THE COUNTY OF BARNSTABLE INTO A DISTINCT AND SEPERATE RELIGIOUS SOCIETY.

Persons incor-
porated.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* that Job Chase, Zebulon Gage, Isaiah Chase, Nathan Ellis, Anthony Gage, Benjamin Nickerson junr. Anthony Kelley, William Eldridge, Jeremiah Walker, Edward Small, James Cohoon, Nathaniel Chase, Zenas Chase, Ebenezer Snow, Jeremiah Ellis, George Phillips, Levi Ellis, Reuben Weeks, Anthony Chase, Samuel Basset, Ezra Baker, William Rider, Enoch Chase, David Eldridge, Seth Walker, James Chase, Job Chase junr. Obed E. Smith, Lot Chase, Lot Chase junr. Joseph Chase, Thomas Chase junr. Abner Chase, Jeremiah Baker, Owen Chase, Nathaniel Downs, Phinehas Nickerson, Archelaus Chase, Sylvanus Baker, William Chase, Joseph Kelley, Harsy Crowell, Amos Crowell,

Godfrey Tripp, James Crowell, Elnathan Eldridge, Joseph Gage, Samuel Tripp, Samuel Smith, Jonathan Clark, Reuben Small, Benajah Crowell, David Basset, Jabez Crowell junr. Jabez Crowell, Small Phillips, Edward Small junr. Baruch Eldridge, Nathaniel Bassit, John Bassit, Obadiah Eldridge, Watson Nickerson, Daniel Bassit, John Diar and Solomon Nickerson Members of the said Religious Society, together with their Polls and Estates be, and they are hereby incorporated by the name of the Baptist Religious Society in Harwich, with all the privileges, powers & immunities which parishes in this Commonwealth are by Law entitled to.

Corporate name.

SECT. 2. *Be it further Enacted by the authority aforesaid*, that any and every person in the Towns of Harwich, Dennis & Chatham in said County of Barnstable, who may at any time hereafter actually become a Member of & unite in Religious worship with said Society in said Harwich, & give in his or her name to the Clerk of the Parish to which he or she belongs, with a Certificate signed by the Minister or Clerk of said Society, that he or she hath actually become a Member of, and united in Religious Worship with said Baptist Religious Society in Harwich, fourteen days previous to the Parish meeting therein, to be held in the Month of March or April annually, shall, from and after giving such Certificate, with his or her polls & estate, be considered as a Member of said Society : *Provided however* that such person shall be held to pay his or her proportion of all monies, assessed or voted in the parish to which he or she belonged previous to that time.

How to become a member.

Proviso.

SECT. 3. *Be it further Enacted by the Authority aforesaid*, that when any Member of said Society shall see cause to leave the same, & unite in religious worship with any other Religious Society in the Town or Parish in which he or she may live, and shall give in his or her name to the Clerk of said Baptist Religious Society, with a Certificate signed by the Minister or Clerk of the parish or other incorporated Religious Society with which he may unite, that he hath actually become a member of, & united in Religious worship with such other parish or other incorporated Religious Society, fourteen days previous to their annual Meeting in March or April, and shall pay his or her proportion of all monies voted in said Society to be raised previous thereto, shall from and after

How to withdraw from the Society.

giving such Certificate, with his or her polls and estates be considered as a member of the Society to which he or she hath so united.

First meeting. SECT. 4. *Be it further Enacted by the authority aforesaid*, that Ebenezer Broadbrooks jun. Esqr. be & he is hereby authorized to issue his warrant directed to some principal member of the said Society, requiring him to warn the members of the said Society qualified to vote in parish affairs, to assemble at some suitable time and place in said Town of Harwich, to choose such parish Officers as are by law required to be chosen in the month of March or April annually, and to transact all matters & things necessary to be done in said Society.

Approved June 27, 1798.

1798. — Chapter 26.

[May Session, ch. 25.]

AN ACT TO INCORPORATE A PART OF THE FIRST PRECINCT IN ROCHESTER IN THE COUNTY OF PLYMOUTH, INTO A SEPERATE PRECINCT, BY THE NAME OF THE FOURTH CONGREGATIONAL PRECINCT IN ROCHESTER.

Limits. SECT. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same*, that the easterly part of the said first precinct in Rochester, lying within the following lines vizt. Beginning at the Bridge over Sippican River near the dwelling house of Caleb Mendall in said Rochester, thence running Southwesterly such a course as will strike half way between the dwelling houses of Benjamin Dexter & Noah Dexter, thence South, such a course as will strike William Negro's house, & from thence to the line of the second Precinct in Rochester; thence Southerly in the line of the said second Precinct, until it comes to the Sea, thence turning to the left by the Sea shore, until it comes to the mouth of said Sippican River, & thence up the said stream to the bridge before mentioned, together with all the Inhabitants thereon, be, & they hereby are incorporated into a seperate Precinct by the name of the fourth congregational precinct in Rochester, with all the powers, privileges & immunities which other Precincts in this Commonwealth are or may be entitled to by Law.

Corporate name.

First meeting.

SECT. 2. *Be it further Enacted* that Abraham Holmes Esqr. be & he is hereby authorized & empowered to

issue his Warrant directed to some principal Inhabitant within the said fourth Precinct, requiring him to notify & warn the Inhabitants of said Fourth Precinct, qualified by law to vote in Precinct Meetings, to assemble at some suitable time and place in said Fourth Precinct, to choose such officers as precincts are empowered to choose in the Months of March or April annually, and to transact all matters and things necessary to be done in said Precinct.

Approved June 27, 1798.

1798. — Chapter 27.

[May Session, ch. 26.]

AN ACT TO INCORPORATE CERTAIN PERSONS IN THE TOWN OF HOPKINTON, FOR THE PURPOSE OF CONDUCTING WATER FROM A CERTAIN SPRING IN SAID TOWN, FOR THE USE OF A NUMBER OF INHABITANTS THEREOF BY SUBTERRANEAN PIPES.

SECT. I. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Doctr. Thomas Bucklin, Samuel Haven junr. Phillip Briggs, Aaron Claffin, John Gouldon, Samuel Welch, Benjamin Norcross junr. Thomas Freeland and Isaac Claffin, with such others as are or may be joined or associated with them, or their Successors, be and they hereby are incorporated by the name of the Proprietors of the Aqueduct in Hopkinton, and by that name may sue and be sued. *Provided* that nothing in this Act shall authorize the said Proprietors to enter on or to make use of private property without consent of the Owner.

Persons incorporated.

Corporate name.

SECT. II. *Be it further Enacted*, that the said Proprietors at any Meeting warned, as by this Act is (or as by the said Proprietors in legal Meeting shall be) directed, may elect and choose a Clerk and other Officers proper for a Corporation to choose and have, for effecting the object of their incorporation. And the Clerk so chosen, shall be duly sworn, and shall make true record of all the Votes, Acts & Doings of the said Corporation. And the said Proprietors in Meeting as aforesaid, may make any rules, regulations or bye Laws respecting the calling & governing the Meetings and ordering the transactions and concerns of the said Corporation & the welfare and interest of the same, which they may think expedient, and impose any fines and forfeitures, not exceeding Ten Dollars and levy the same in due form of Law. *Provided always*

May choose officers.

May make rules, etc.

First meeting.

that the said rules, regulations & by Laws aforesaid, shall not be repugnant to the Constitution or Laws of this Commonwealth. And any three of the persons before named, may call the first Meeting of said Proprietors, to be holden in said Hopkinton, at any suitable time and place, seven days after Notification thereof is posted up at the Meeting-House or some other public place in the said Town.

Highways may be dug up.

Penalty for injuring aqueduct.

SECT. III. *And be it further enacted* that the said proprietors may dig up any public or Town way for conducting water as aforesaid: *Provided* they do not obstruct the rightful use of the same; and any person wilfully injuring the said Aqueduct, shall be subject to the same pains and penalties as are provided in the second Section of the Act entitled “An Act for the more effectually preventing of Trespasses in divers cases” — and shall also be liable to make good all damages so done to the said Aqueduct or Proprietors.

Approved June 27, 1798.

1798. — Chapter 28.

[May Session, ch. 29.]

AN ACT TO SET OFF WILLIAM WATSON AND JAMES WATSON WITH THEIR ESTATES FROM THE TOWN OF WARREN IN THE COUNTY OF LINCOLN TO THE TOWN OF THOMASTOWN.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that William Watson and James Watson of Warren in the County of Lincoln, together with their Real Estate within the following Metes and Bounds, to wit, Beginning at a Stake at the head of the Narrows, so called, thence East South East to St. George's River, thence Northerly up said River to the first bounds, be and hereby are set off from said town of Warren and annexed to the town of Thomastown in said County: *Provided* that the said William and James shall pay all taxes heretofore assessed upon them & their estates by the town of Warren aforesaid. *provided also* that the said William & James shall be assessed & held to pay all their respective state taxes hereafter to be assessed upon them & their estates in & to the said town of Warren untill the next valuation of this Commonwealth, in the same manner as though this Act had never been passed.

Proviso.

Approved June 28, 1798.

1798. — Chapter 29.

[May Session, ch. 30.]

AN ACT FOR THE PRESERVATION OF THE FISH, CALLED ALWIVES IN AGAWAM & HALF WAY POND RIVERS IN THE COUNTY OF PLYMOUTH & FOR THE REGULATING THE TAKING SAID FISH, & FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

SECT. 1. *Be it enacted by the Senate & the House of Representatives in General Court Assembled & by the Authority of the same,* That the Towns of Plymouth & Wareham shall annually at their meetings in the fall of the year respectively choose a Committee of not more than three persons each, whose duty it shall be in the Month of March annually to sell by Public Vendue the privilege of taking said fish at such places, not exceeding two in said Towns, and on such days, not exceeding three in each week, as said Committee shall agree upon & publish in their conditions of such sale, wherein said Committee shall also express the price at which the purchasers shall sell said Fish *provided* it do not exceed twenty five cents per hundred, & also the manner of taking & disposing of the same.

Committee to sell fishing privilege to be chosen.

SECT. 2D. *Be it further enacted,* that the Committee of the said Town of Plymouth the first year, & the Committee of the said Town of Wareham the second year, and so on alternately forever, shall notify the Town Clerk of the other Town concerned in said Fishery, of the time & place in which said Committee shall meet, ten days at least, before the time of meeting; and the majority present at any such meeting shall have the power of the whole Committee.

Time and place of meeting, notification of.

SECT. 3D. *Be it further enacted,* that if either of said Towns shall neglect to choose their respective Committees aforesaid, or if either of such Committees shall neglect to give notice as above required, they shall severally forfeit & pay to the use of the Town which shall chuse such Committee, for each offence the sum of One Hundred Dollars.

Penalty for neglecting to choose committee.

SECT. 4TH. *Be it further enacted,* that all persons except the purchaser or purchasers as aforesaid or those employed by them, who shall take any of said fish in said Rivers or in any Pond or stream, having communication therewith, Sippican River excepted, shall forfeit & pay a sum not less than one Dollar nor more than twenty.

Fine for unauthorised fishing.

Dams to be
opened.

SECT. 5TH. *Be it further enacted*, that the owner or occupier of any Dam on said River, shall annually between the first day of April & first day of June following for such term & in such manner as said Committee shall direct, open a sufficient passage for said fish through said dam; & on failure or neglect of opening such passage, or of continuing the same as aforesaid shall forfeit & pay the sum of One hundred Dollars; & the said Committee shall have power to open such dam when neglected as aforesaid, at the expence of the proprietor *provided* no more damage is thereby done the owner than is necessary to effect said purpose.

Penalty for
obstructions.

SECT. 6TH. *Be it further enacted*, that if any Person shall make any ware or other obstruction to the free Passage of said fish, or shall make use of any seine to take said fish in said River or in any Pond or stream communicating therewith, the person so offending shall forfeit, and pay a Sum not less than one Dollar nor more than twenty; and said Committee shall have Power, and it shall be their duty to remove such ware or obstruction at the Expence of the person causing the same, and also to seize to the use and disposal of said Towns any seine used as aforesaid.

Recovery of
fines.

SECT. 7TH. *Be it further enacted*, that the Treasurers of the aforesaid Towns respectively are hereby empowered upon the complaint of any of the Committee aforesaid, to sue for the recovery of any forfeitures incurred by the breach of any of the regulations provided in this Act, and also of such further regulations as may from time to time be provided and established by said Committee. And all fines and forfeitures recovered for any breaches aforesaid, except such as are mentioned in the third Section of this Act, shall, together with the proceeds of said fishery, be equally divided between said Towns; and the Treasurers aforesaid respectively may in behalf of their respective Towns, recover, in an Action on the case, of any person or persons, corporation or Corporations withholding the same, one half part thereof, in any Court proper to try the same.

Appropriation.

Fine for not
performing
contract.

SECT. 8TH. *Be it further enacted*, that the purchasers of the privilege of taking said fish as aforesaid shall in all respects conform themselves to such regulations and conditions as said Committee shall publish in their conditions of sale as aforesaid, and on failure thereof shall forfeit and

pay for each offence a Sum not exceeding twenty dollars, nor less than one Dollar.

SECT. 9. *Be it further enacted*, that any of the Committee aforesaid may be admitted as competent witnesses in any prosecution for the breach of any regulations as aforesaid; and said Committee previous to entering upon the Execution of their office, shall be sworn to the faithful discharge of their duty, as other Town officers are sworn, and shall receive out of the proceeds of said fishery the Sum of seventy Cents each for each days service.

Members of committee to be admitted as witnesses in prosecutions.

SECT. 10. *And be it further enacted*, that all Laws heretofore passed respecting said fishery in said Rivers, be, and the same are hereby repealed, excepting so far as may respect any penalties already incurred for the breach of said Laws.

Former laws repealed.

Approved June 28, 1798.

1798. — Chapter 30.

[May Session, ch. 31.]

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER THE RIVER BETWEEN SALEM & BEVERLY, & FOR SUPPORTING THE SAME.

SECT. 1. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same* that it shall be lawful for the proprietors of the said Bridge to make the leaves of the draw thereof eighteen feet long instead of thirty two feet the present length of said leaves.

Length of leaves of draw bridge.

SECT. 2D. *Be it further enacted* that if any person or persons shall cart or carry on wheels any load over the said bridge weighing more than forty five hundred weight, he or they shall pay twenty five Cents toll for every hundred said load shall weigh more than forty five hundred.

Toll for more than 4500. wt.

SECT. 3D. *Provided nevertheless, and be it further enacted*, that before the said Proprietors shall make any alteration in the length of said Draw, or shall take any benefit of the provision in the Second Section of this Act, they shall be held to reduce the rates of toll which they are now entitled by law to receive on Lords days, to the same rates which they are entitled to receive on other days; And the privileges granted in the first & second Sections of this Act, shall be held only upon condition that said Proprietors shall make the reduction aforesaid.

Toll on Lords' days reduced.

Approved June 29, 1798.

1798. — Chapter 31.

[May Session, ch. 32.]

AN ACT IN ADDITION TO THE SEVERAL LAWS REGULATING ELECTIONS.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that it shall not be lawful for the Selectmen of any Town or District, to appoint a Meeting for the Election of a Representative to the General Court on any day on which by Law, the Militia of this Commonwealth are specially required to do military duty; and the Selectmen thus appointing any such meeting, shall severally forfeit and pay a sum not exceeding One hundred Dollars.

No meeting to be held on military days.

SECT. 2. *Be it further Enacted*, that no Officer or Soldier of the Militia, shall be holden to do any Military duty on any day (except on days which are or may be specially prescribed by Law) on which the Selectmen or Assessors of any town or District shall appoint a meeting for the election of a Representative to the General Court, or on the day pointed out in the Constitution for the election of Governor, Lieutenant Governor and Senators of this Commonwealth, or on any day which is or may be appointed for the choice of Electors of President and Vice President of the United States, or Representatives to Congress: And it shall not be lawful for any such Officer to exercise any military command on either of said days, unless in case of sudden invasion made or threatened, or in obedience to the orders of the Commander in Chief, except as is herein before excepted; and every Officer offending herein, shall for each offence, forfeit & pay a sum not less than ten or more than three hundred Dollars.

Votes to be personally presented.

SECT. 3. *Be it further Enacted*, that it shall not be lawful for the Selectmen or Assessors of any Town District or Plantation, presiding at a meeting for either of the Elections aforesaid, to receive any Vote, unless delivered in writing by the Voter in Person; and the Selectmen or Assessors who shall offend herein, shall severally forfeit and pay a sum not exceeding one hundred Dollars.

Recovery and disposal of fines.

SECT. 4. *Be it further Enacted*, that all Fines & Forfeitures for any breach of this Act, may be recovered by Indictment before the Supreme Judicial Court, or by

Action of Debt before any Court proper to try the same ; one half to the Use of this Commonwealth, and the other half to the use of any person who shall prosecute or sue for the same.

Approved June 29, 1798.

1798. — Chapter 32.

[May Session, ch. 33.]

AN ACT ESTABLISHING AN ADDITIONAL TERM OF THE SUPREME JUDICIAL COURT FOR THE COUNTY OF NORFOLK.

Be it enacted by the Senate and House of Representatives in General Court Assembled & by the Authority of the same that there be held & kept at Dedham within & for the said County of Norfolk on the second Tuesday of February annually a Supreme Judicial Court in addition to the term now by law established for said County & all officers are directed to Govern themselves accordingly.

Approved June 29, 1798.

1798. — Chapter 33.

[May Session, ch. 34.]

AN ACT TO PREVENT PROFANE CURSING AND SWEARING.

Whereas the horrible practice of profane Cursing and Swearing is inconsistent with the dignity & rational cultivation of the human mind, with a due reverence of the Supreme Being and his Providence, & hath a natural tendency to weaken the solemnity and obligation of Oaths lawfully taken in the administration of Justice; to promote fals[e]hood, perjuries, blasphemies, and dissoluteness of manners, and to loosen the bonds of civil society:

Preamble.

SECT. 1. *Be it therefore Enacted, by the Senate & House of Representatives, in General Court assembled, and by the authority of the same,* That if any person, who has arrived at discretion, shall profanely Curse or Swear, and shall be thereof convicted, such person, so offending, shall forfeit and pay a sum, not exceeding two Dollars, nor less than one Dollar, according to the aggravation of the offence, and the quality and circumstances of the Offender, in the Judgment of the Court or Justice of the Peace before whom the conviction may be; and in case the same person shall after one conviction, as aforesaid, offend a second time, such Offender shall forfeit & pay upon such second conviction, double the sum forfeited on

Penalties for profane swearing or cursing.

Fine for every
oath after the
first.

the first conviction; and in case the same person shall after two convictions as aforesaid, again offend, such Offender shall forfeit & pay upon each & every subsequent conviction, treble the sum forfeited on the first conviction; and if, on any Trial and Conviction, proof shall be made that more than one profane Oath or Curse were sworn or uttered, by the same person at the same time, and in the presence or hearing of the same witness or witnesses, the person so offending, for every profane Oath or Curse, after the first, shall forfeit and pay a sum not exceeding fifty Cents, nor less than twenty five cents, in addition to the sum forfeited as first above specified: One moiety of the several forfeitures, aforesaid, to be to the use of the Poor of the Town in which the offence shall have been committed, and the other moiety thereof to the use of the person or persons who shall make complaint thereof or prosecute for the same. And in case any person convicted of profane Cursing or Swearing, shall not immediately pay the sum or sums so forfeited, such person shall be committed to the common Goal or house of Correction, there to remain, not less than one day nor more than five days. *Provided nevertheless*, That when any person shall have been convicted of profane Cursing or Swearing before any Justice of the Peace, and having appeared before such Justice and pleaded the General Issue, or demurred to the charges in the Complaint against him, it shall be lawful for such Defendant to appeal from the sentence of such Justice to the Justices of the next Court of General Sessions of the Peace, to be holden in & for the County wherein the offence was committed, who shall hear and finally determine the same; the Appellant claiming such Appeal at the time of declaring such Sentence by said Justice, and then and there recognizing with sufficient surety or sureties in a reasonable sum, not exceeding twenty Dollars, to prosecute his said Appeal with effect, and to perform the Order of said Court therein.

Proviso.

Appeal allowed.

Officers whose
duty it is to in-
form of profane
oaths.

SECT. 2. *And be it further Enacted*, That if any person shall profanely Curse or Swear in the hearing of any Sheriff, Deputy Sheriff, Coroner, Constable, Grand-Juror or Tything-man, it shall be the duty of such Officers, respectively, forthwith to give information thereof to some Justice of the Peace of the County wherein the Offence may be committed, in order that the Offender may be taken, convicted and punished for the same: Which Con-

viction shall be drawn up in the form following, — SS. Form of conviction.
 Be it remembered, That on the — day of —, in the
 Year of our Lord —, A. B. was convicted before me,
 one of the Justices of the Peace for the County of —,
 of swearing one (or more) Profane Oath (or Oaths) or
 of uttering one (or more) profane Curse (or Curses) as
 the case shall be. Given under my hand, the day & year
 aforesaid. *Provided always, & it is hereby further* Proviso.
Enacted, That no person shall be convicted or troubled
 for the offence of profane Cursing or Swearing unless the
 prosecution for such offence shall be commenced within
 twenty days next after the Offence shall be committed.

SECT. 3. *And be it further Enacted*, That the Clerks
 of the several Towns, Districts & Plantations in this
 Commonwealth shall cause this Act to be publicly read
 at the opening of their respective annual meetings in the
 Month of March or April; & if the Clerk of any Town,
 District or Plantation shall neglect so to do, he shall for-
 feit & pay the sum of ten Dollars for each neglect, to be
 recovered by an Action of Debt in any Court proper to
 try the same; one moiety thereof to the use of the person
 or persons suing therefor, & the other moiety thereof to
 the use of this Commonwealth. This act to be read at annual town meetings.

SECT. 4. *And be it further Enacted*, That the Secre-
 tary shall cause to be transmitted a printed Copy of this
 Act to each of the public Teachers of Religion within this
 Commonwealth, to whom it is hereby recommended to
 read or cause the same to be publicly read to their several
 Congregations annually on the day of the Public Fast. Copy of this act to be transmitted to clergymen.

SECT. 5. *And be it further Enacted*, That all Laws
 heretofore made for preventing profane cursing & swear-
 ing, be, and hereby are repealed. Laws repealed.

Approved June 29, 1798.

1798. — Chapter 34.

[January Session, ch. 1.]

AN ACT IN ADDITION TO AN ACT, WHICH PASSED ON THE
 TWENTY SIXTH DAY OF FEBRUARY IN THE YEAR OF OUR
 LORD ONE THOUSAND SEVEN HUNDRED AND NINETY FOUR,
 ENTITLED AN ACT TO INCORPORATE A SOCIETY, BY THE
 NAME OF THE TRUSTEES OF THE BAPTIST EDUCATION
 FUND.

Whereas in, and by the last clause of the Act aforesaid, Preamble.
it is declared, “ that the said society shall meet in the Town

of Boston annually, on the day next after the last wednesday in may, and at such other times and places within this Commonwealth, as the society shall judge proper."

To meet the
last Wednesday
in May, etc.

Be it enacted, by the Senate and house of Representatives in General Court assembled, and by the authority of the same, that so much of the said clause as is afore recited, be repealed, and that the said society shall hereafter meet in the town of Boston annually, on the last wednesday in may, and at such other times, and places within this Commonwealth, as the society shall judge proper.

Approved January 22, 1799.

1798.—Chapter 35.

[January Session, ch. 2.]

AN ACT LIMITING THE TIME WITHIN WHICH PETITIONS FOR WAGES WHICH HAVE BEEN DRAWN BY FORGED ORDERS, SHALL BE SUSTAINED.

Petitions to be
presented
within two
years.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that no petition for wages which have heretofore been drawn by forged Orders, shall be hereafter sustained, unless such petition shall be presented within two years from the passing of this Act: and on failure thereof, the Petitioner, Applicant and Claimant shall be forever excluded & barred from any Claim or Demand against this Commonwealth for or on account of any wages so drawn or alledged to be drawn by virtue of any such forged Order. And the Secretary is hereby directed to cause this Act to be published in the several News papers printed in this Commonwealth for three months successively.

Approved January 29, 1799.

1798.—Chapter 36.

[January Session, ch. 3.]

AN ACT IN ADDITION TO AN ACT FOR CONFIRMING THE RECORDS OF A PLANTATION CALLED BRIDGETON.

Preamble.

Whereas the Book of Records of the Proprietors of Bridgeton, wherein were recorded all past votes and proceedings of said proprietors in carrying forward the settlement of said plantation, on the Night of the second Day of October one thousand seven hundred and eighty was consumed by Fire, by means whereof great loss and damage

may ensue to individuals unless prevented by the Legislature; and it being made to appear by a declaration of said Proprietors that in consideration of certain services therein mentioned to have been performed by Jacob Stevens and Benjamin Kimball, they had previously voted the said Jacob Stevens five acres of land to be laid out in such manner as would best accomodate his Mills, also the lot number eight in the fifteenth range, together with the eighty third Right in said Township, he paying the Taxes on said right; and that the said Proprietors had also voted to the said Benjamin Kimball the sixty first Right in said Bridgeton.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same that the several Votes of the Proprietors of Bridgeton before mentioned shall be held to be good and valid in law, so as to secure to the said Jacob Stevens & Benjamin Kimball their heirs and Assigns the lands therein described as fully as they might & would have been by the Original Records had they been preserved.

Approved January 29, 1799.

Titles confirmed
to Jacob Stevens
and Benjamin
Kimball.

1798. — Chapter 37.

[January Session, ch. 4.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS IN EACH OF THE TOWNS OF SYDNEY, BELGRADE AND AUGUSTA IN THE COUNTY OF LINCOLN INTO A DISTINCT RELIGIOUS SOCIETY BY THE NAME OF THE FIRST BAPTIST SOCIETY IN SYDNEY.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That Asa Wilbur, Caleb Leonard, William Decker, Jethro Weeks, James Stedman, William Holloway, John Ward junr. Othoniel Hammond, John Hammond, Nathaniel Blake, John Ward, William Ward, Benjamin Bisbee, Eleazer Cummings, John Jackson junr. David Fish, Joseph Lumbart, Jeduthun Hammond, Samuel Jackson, Isaac Cottle, Jonas Sawtell, James Bacon, Caleb Trask, Daniel Champney, Hezekiah Sawtel junr. Amos Page, Daniel Masher junr. James Hutchinson, Timothy Reynolds, Benjamin Dyer, Edmund Hayward, Anthony Fought, Frederick Fought, David Reynolds, Nathaniel Reynolds junr. Samuel Hovey, George Andros*

Persons incor-
porated.

junr. Robert Townsend, Joel Procter, Aaron Fall, Samuel Fall, Isaiah Chase, Jeremiah Robinson junr. Joshua Ellis, Daniel Wilbur, Ebenezer Trask, Abiezer Trask, Jacob Gooding, William Smiley, Alexander Smiley, John Bragg, Flint Barton, Jesse Scudder, John Sawtell and Benjamin Branch, with their families and estates, together with such others as have or may hereafter associate themselves for the same purpose, in the manner hereinafter described, be and hereby are Incorporated into a Religious Society by the name of The first Baptist Society in Sydney, with all the powers, privileges & immunities to which other Parishes in this Commonwealth are by Law entitled.

Corporate
name

Mode of
association.

SECT. 2. *Be it further Enacted*, that any person in either of the towns of Sydney, Belgrade, or in the North parish of Augusta aforesaid, being of the Baptist Denomination aforesaid, who may at any time hereafter actually become a Member of and unite in religious worship with the Society aforesaid, and give in his or her name to the Clerk of the Town or Parish to which he or she belongs, with a Certificate signed by the Minister or Clerk of said Society, that he or she has actually become a Member of and united in religious worship with the aforesaid Baptist Society in Sydney, fourteen days previous to the town or parish meetings therein, to be held in the month of March or April annually, shall from and after giving such Certificate, with his or her polls and estates, be considered as a Member of said Society. *Provided however*, that such person shall be held to pay the proportion of all money assessed in the Town or Parish to which he or she belonged previous to that time.

Proviso.

Mode of
separation.

SECT. 3. *Be it further Enacted*, That when any Member of said Baptist Society shall see cause to leave the same and unite in Religious worship with any other Religious Society, and shall give in his or her name to the Clerk of the said Baptist Religious Society, with a Certificate signed by the Minister or Clerk of the parish or other incorporated Religious Society, with which he or she may unite, that he or she has actually become a Member of and united in religious worship with such other parish or other incorporate religious Society, fourteen days previous to their meeting in March or April, and shall pay his or her proportion of all money assessed in said Society previous thereto, such person shall, from and after giving such Certificate, with his or her polls and estates, be con-

sidered as a Member of the Society to which he or she has so united.

SECT. 4. *And be it further Enacted*, That Samuel Weston Esqr. be and he is hereby authorized and empowered to issue his Warrant directed to some suitable Member of the said Society, requiring him to notify and warn the Members of the said Society to meet at such time and place as shall be appointed in said Warrant, to choose such Officers as Parishes in this Commonwealth are by Law entitled to choose in the Month of March or April annually.

First meeting.

Approved February 1, 1799.

1798. — Chapter 38.

[January Session, ch. 5.]

AN ACT TO INCORPORATE SUNDRY INHABITANTS OF THE TOWN OF BLANFORD IN THE COUNTY OF HAMPSHIRE, AND OF THE TOWNS ADJOINING THERETO, INTO A RELIGIOUS SOCIETY BY THE NAME OF THE PROTESTANT EPISCOPAL SOCIETY IN BLANFORD.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, That Sanford Thomson, Jedediah Smith, Russell Atwater, Timothy Hatch, Samuel Sloper, William Knox 3d. William Thomson, David Hamilton, Josiah Harvey, David Butler, John Webster, James Beard, James Sinnet, Luke Osburn, Jonathan Frary, Nathan Stewart, Frederick Falley, John Morton, James Slade, Thoda Garret, David Hannan, James Hamilton, William Montgomery, Charles Plum, Perry Button, George Smith, Francis Hamilton, Benjamin Herrington, Samuel Moor, George Nies, Thomas Moor, Ezekiel Cannon, Benjamin Bowers, John Bowers, Newel Bowers, Oliver Knox, Abijah Babcock, Jacob Plum, Jonas Johnson, William Mitchel, David C. Osburn, Roger Parks, David Knox 2d. Mathew Blair, Seth Webster, William Wooldridge, Phinehas Ashman, Timothy Linus Hatch, Nathan Gibbs, Samuel Sloper jun. and John Frost, be and hereby are incorporated into a Religious Society by the name of The Protestant Episcopal Society in Blanford, with all the powers & privileges which Parishes in this Commonwealth are by Law vested with.

Persons incorporated.

Corporate name.

SECT. 2. *Be it further Enacted, by the authority aforesaid*, that any person being an Inhabitant of the said town of Blanford, or of any Town adjoining thereto, may, at any

Mode of association.

time hereafter, become a Member of the said Society by giving in his or her name to the Clerk of the Parish to which he or she may at that time belong, together with a Certificate signed by the Minister or Clerk of said Society, that he or she hath actually united and joined with the said Society, fourteen days at least previous to the Parish meeting therein to be held in the Month of March or April annually; And from & after thus giving in his or her name and such Certificate, such person with his or her polls and estate, shall to all intents and purposes, be considered as belonging to said Society. *Provided nevertheless*, that such person shall be held to pay his or her proportion of all monies voted or assessed by the parish to which he or she did belong previous to that time. And any person being a Member of said Society, and having a desire to leave the same, and to join with the Parish in which he or she may reside or be an Inhabitant, may at any time hereafter become a Member of such parish by giving in his or her name to the Clerk of said Society together with a Certificate signed by the Minister or Clerk of such parish, fourteen days at least previous to the annual meeting of said Society in the month of March or April; And from and after thus giving in his or her name and such Certificate, such person with his or her polls and Estate shall to all intents and purposes, be considered as belonging to such parish. *Provided nevertheless* that such person shall be held to pay his or her proportion of all monies voted or assessed by said Society previous to that time.

Mode of
separation.

SECT. 3. *Be it further Enacted by the Authority aforesaid*, that the said Protestant Episcopal Society be and they hereby are empowered to raise and establish a Fund in such way and manner as they may see fit, the income or interest of which, or so much thereof as shall be found necessary, shall be appropriated & applied to the support of a Protestant Episcopal Minister of said Society.

Fund to be
raised.

SECT. 4. *Be it further Enacted by the authority aforesaid*, that Sanford Thomson, Jedediah Smith, Timothy Hatch, Russell Atwater, and William Knox, 3d. be and they hereby are constituted Trustees of said Society, and they and their Successors in Office are hereby vested with full power and authority to receive all such donations, subscriptions, monies and securities, and also all such Grants and Appropriations either of Real or Personal property for the use aforesaid as may hereafter be made

Trustees.

to the said Society; *Provided* that the whole amount of such donations, subscriptions, monies, securities, grants and appropriations, do not exceed the sum or value of Twelve Thousand Dollars. Sum limited.

SECT. 5. *Be it further Enacted by the Authority aforesaid*, that the said Trustees for the time being shall, from time to time, at the said annual meeting of the said Society, and as much oftener as they shall be thereto required by a major vote of said Society at any Meeting legally warned and held for that purpose, lay before the said Society a fair statement in writing of the Debts, Credits, Money and other property of the said Society in the hands of the said Trustees, together with all the disbursements and expences which may have been incurred. Accounts to be annually submitted.

SECT. 6. *And be it further Enacted by the Authority aforesaid*, that Samuel Fowler Esqr. be and he is hereby authorized and empowered to issue his Warrant, directed to some principal Member of said Society, requiring him to warn the Members of the said Society, qualified to vote in parish affairs, to assemble at some suitable time and place in said Town of Blanford, to chuse such Officers as Parishes are by law required to choose in the Month of March or April annually, and to transact such other business as may be proper and necessary in said Society. First meeting.

Approved February 2, 1799.

1798. — Chapter 39.

[January Session, ch. 8.]

AN ACT REPEALING THE FOURTH ENACTING CLAUSE OF AN ACT PASSED JUNE ONE THOUSAND SEVEN HUNDRED AND NINETY SIX ENTITLED "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER ACUSH-NET RIVER IN THE TOWN OF NEW-BEDFORD."

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, that the clause in the Act aforesaid, providing "that no Toll shall be required of those who have occasion to pass said Bridge on the Lord's day, in order to attend Public Worship, nor of Children crossing said Bridge on either side of the River in said Town, in going to and from School," be and the same is hereby repealed. Free Toll on the Lord's Day, not to continue longer.

Approved February 4, 1799.

1798. — Chapter 40.

[January Session, ch. 6.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER KENNEBECK RIVER AT FORT WESTERN IN THE TOWN OF HALLOWELL."

Whereas the Proprietors of the Kennebeck Bridge have represented to the General Court that the compensation they derive from the present Toll is inadequate, and prayed for an enlargement of the Toll over said Bridge;

New Toll.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, That the Clause in the Act to which this is in addition, establishing the rates of Toll for passing said Bridge, be and the same hereby is repealed, and that the following rates of Toll be and hereby are granted to, and established for the benefit of the said Proprietors; That is to say, for each Foot passenger two cents; for each horse with one rider, ten cents; for each single horse-cart, Sled or Sleigh twelve cents & an half; for each Wheel barrow, hand-Cart and every other Vehicle capable of carrying a like weight four cents; for each Team including Cart, Sled or Sleigh, drawn by more than one beast and not exceeding four twenty five cents; and for every additional beast above four, four cents each; for each single horse and Chaise, Chair or Sulkey twenty cents; for each Coach, Chariot, Phaeton, or Curricule, thirty five cents; neat Cattle exclusive of those rode on or in Carriages or in Teams four cents for each; Sheep & Swine one cent for each. This Act to be in force for the term of Twenty five years from the passing thereof and no longer.

Duration of this Act.

Approved February 5, 1799.

1798. — Chapter 41.

[January Session, ch. 7.]

AN ACT EXEMPTING MILE STREAM IN THE TOWNS OF VASSALBORO', WINSLOW AND HARLEM FROM THE OPERATION OF ALL LAWS REGULATING THE SALMON SHAD AND ALEWIVE FISHERIES IN SAID TOWNS.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That all Laws heretofore made which regulate the Fishery of Salmon, Shad and Alewives in Mile Stream

Towns exempted from the Law.

(so called) within the Towns of Vassalborough, Winslow and Harlem in the County of Lincoln, or that respect any Mill-dam across said Stream, be so far repealed, that from and after the passing this Act, they shall cease to operate or have any effect within the Towns aforesaid, so far as respects said Mile Stream or any part thereof.

Approved February 5, 1799.

1798. — Chapter 42.

[January Session, ch. 9.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT DIRECTING THAT PEWS & RIGHTS IN HOUSES OF PUBLIC WORSHIP SHALL BE CONSIDERED AS REAL ESTATE, AND FOR REGISTERING THE SAME."

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same that all Pews and rights in Houses of Public Worship in the Town of Boston shall be considered and deemed in Law to be personal Estate any thing in the Act to which this is in addition notwithstanding.

Pews in Boston made personal estate.

Approved February 5, 1799.

1798. — Chapter 43.

[January Session, ch. 10.]

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY ONE ENTITLED, "AN ACT DIRECTING THE MANNER IN WHICH INQUESTS OF OFFICE SHALL BE TAKEN, TO REVEST REAL ESTATE, IN THE COMMONWEALTH OR TO ENTITLE THE COMMONWEALTH THERETO."

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled and by the Authority of the same* when it shall be found by the Attorney General for the time being that there are any Lands tenements or hereditaments which for want of legal heirs have accrued to the Commonwealth that it shall be the duty of the Attorney General to prosecute a suit by inquest of Office in the Supreme Judicial Court in the County wherein such Estate is situated in order to cause the Commonwealth to become seized thereof, and that on such process and trial the person against whom such process and suit shall be so brought shall not be allowed to give in evidence or to avail himself of the title or right of any

Attorney General to prosecute.

Defendants not to have benefit of alien's title — unless —

alien or Subject of another nation or sovereign unless he can shew that he is tenant to, agent, servant, or bailiff of such alien.

Heirs recovering estates of the Commonwealth, to pay for all improvements.

SECT. 2D. *And be it further Enacted*, if after the Commonwealth shall become so seized of such Estate as having accrued thereto for want of legal heirs, any person shall appear and make out his right to the same and shall in due process of law recover the same against the Commonwealth its Grantee assignee or tenant, that the same Estate shall nevertheless be liable to all expences of improvement thereon made over and above the rents & profits thereof, And the Attorney General, or the Tenant Grantee or Assignee of the Commonwealth shall be empowered to file a bill in equity in the Supreme Judicial Court of the County where the Land is for the recovery of the same and a Summons shall be issued with a Copy of such Bill thereunto annexed and served on the Owner of such land, or on his tenant fourteen days before the Setting of the Court to which it may be returnable. And that the Supreme Judicial Court shall proceed to try the same, by a Jury or otherwise According to the principles of the laws and Constitution of the Commonwealth, and shall issue an Execution against such Estate for the Payment of such sum as shall be adjudged on such process and the Sheriff or other Officer to whom the same shall be directed shall at Public Auction Sell so much of the same lands as shall be sufficient to pay the same, with all charges, unless the same shall be otherwise discharged.

Bill in equity to be filed.

Costs to be adjudged under certain circumstances.

SECT. 3D. *And it is further Enacted* that if it shall appear to the Court that the Person against whom such Estate shall be demanded had at the time of the Service of the process upon him a Good and Valid title in himself to the Premises demanded or that he then was in the possession of the same as the Tenant, Agent, servant or bailiff of any alien who had a right thereto or to any part thereof then the Court shall award the defendant his full cost which shall be paid out of the public Treasury According to the Constitution of the Government; but if such Party had not a title in himself when the process was served upon him, nor was the tenant agent Servant or bailiff of such Alien at that time but shall have afterwards Acquired a title, been made a Tenant or become the Agent Servant or ba[i]lif[f] of any alien in whom such Estate is, then judgment shall be awarded against him for

the full cost and the Attorney General shall cease to prosecute further on the process. *Approved February 6, 1799.*

1798. — Chapter 44.

[January Session, ch. 11.]

AN ACT TO INCORPORATE JOHN D. DENNIS & OTHERS INTO A SOCIETY BY THE NAME OF THE MARBLEHEAD MARINE SOCIETY.

Whereas John D. Dennis & others have petitioned to be incorporated into a Society for the laudable purposes of promoting the knowledge of Navigation & Seamanship, — of giving relief to decayed & disabled Seamen & to the indigent Widows and Orphans of deceased Seamen & of others who may be Members of said Society.

Preamble.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, That John D. Dennis, John Prince, Thomas Haskell & Nicholson Broughton together with all others who now are, or hereafter may be associated with them be, & they hereby are constituted a body Politic & Corporate forever by the name of The Marblehead Marine Society — & by that name may Sue & be sued, plead & be impleaded, answer & be answered unto, defend & be defended in all Courts & Places whatsoever, in all Actions, real, personal & mixed, & may do all & singular other matters & things that to it shall or may appertain to do : And the said Corporation shall have full power & authority to make, have & use a common seal, & the same to break, alter & renew at pleasure.*

Incorporating clause.

SECT. 2D. *Be it further enacted, that the said Corporation be, & hereby is, made capable in Law of having, purchasing, & holding in Fee Simple, or any less Estate, by gift, grant, devise, or otherwise, any Lands or Tenements, or other Estate real or personal ; Provided, that the annual income of the same shall not exceed the sum of Six thousand Dollars ; — And also to Sell, Alien, or dispose of the same.*

May hold property.

SECT. 3D. *And be it further Enacted, that said Corporation may elect such Officers, & may make, establish & put in execution, such Laws & Regulations as the Members thereof may judge necessary for its government ; — Provided that the same shall be in no respect repugnant to the Laws & Constitution of this Commonwealth.*

May appoint officers and make regulations.

*February 11, 1799.**

* Date of approval not given.

1798. — Chapter 45.

[January Session, ch. 12.]

AN ACT FOR CHANGING THE NAME OF ISAAC VOSE TO THAT OF
ISAAC D. VOSE.

Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by Authority of the same, That from and after the passing of this Act, the said Isaac Vose, Son of Joseph Vose, of Milton, Esqr. shall be allowed to take the name of Isaac D. Vose, and by that name, instead of his present Christian and surnames, shall be known and called; and that the same shall to all legal intents and purposes be hereafter considered as the only and proper name, of the said Vose and shall avail him accordingly.

Approved February 12, 1799.

1798. — Chapter 46.

[January Session, ch. 15.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE MASSACHUSETTS FIRE INSURANCE COMPANY."

New Title.

SECTION 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same,* That said Company from and after the passing of this Act, shall be known by the name of the Massachusetts Fire and Marine Insurance Company, and shall have full power and are hereby authorized in addition to their former powers, to make Insurance on all Vessels, Goods, Wares and Merchandize at Sea and Water borne, against all such risques, perils and dangers as are lawful and accustomed.

Increase of
capital made
necessary.

SECTION 2. *Be it further Enacted,* That said Company shall not issue or subscribe any Policy against any of the hazards aforesaid, until their present Capital Stock shall be augmented by adding thereto the sum of Three Hundred Thousand Dollars, to be divided into Three Thousand shares of One hundred Dollars each, and until the sum of One hundred & eighty thousand Dollars of said additional sum be actually paid into the Office of said Corporation.

Whole capital
to be paid in
three years.

SECTION 3. *Be it further Enacted,* That the remainder of said sum together with the remainder of the first Cap-

ital of said Company now unpaid, shall be paid into the Office of said Corporation, within three years from the passing of this Act, in proportions of One hundred Thousand Dollars annually, at such times of the Year, and in such sums as said Corporation may agree upon, any thing in the Act to which this is in addition to the contrary notwithstanding: And in case of Loss to the amount of the Capital actually paid in, by reason of any Insurance in said Office, the said Corporation shall thereupon forthwith make such assessment or assessments and collect the same, not exceeding the amount of the Stock then due and unpaid, as may be necessary to discharge such Loss: And every Stockholder who shall be delinquent in the payment of said assessments and all others made for the regular paying in of said Capital Stock, shall be subject to the same suits, penalties and forfeitures as in & by the said Act is provided.

Assessments to amount of unpaid stock may be made if requisite.

SECTION 4. *And be it further Enacted* That the sum of Three hundred thousand Dollars of the Stock aforesaid shall be solely appropriated for the payment of all losses incurred by said Company by reason of any Insurance against Fire, until all the Policies now actually subscribed by said Company, have expired or shall be otherwise legally discharged. And if any part of said sum shall be appropriated or applied to the payment of any Loss incurred by reason of any Insurance against the perils upon the Seas to the injury of the present Assured in said Office, the Directors of said Company making such appropriation, shall be held answerable in their private Capacity to the amount thereof, to the Party injured; excepting therefrom such Director who shall enter his protest in writing upon the Records of the said Company against such Appropriation at the time of making the same.

300,000 dollars appropriated for Fire Insurance, exclusively.

SECTION 5. *And be it further Enacted* That said Corporation previous to their issuing any Marine Policy of Insurance, shall publish in two of the Boston Newspapers, the amount of their actual Funds, the periods when the remainder will be paid, the greatest amount to be taken upon any one Vessel or house, and the risques they propose to insure against; And they shall keep a fair printed Copy thereof in some conspicuous place in their Office, and publish the same annually. And the Real Estate which said Corporation are authorized and empowered to

State of funds &c. to be published.

Allowed to hold real estate.

hold and purchase for transacting the business of said Company, may be to the value of Twenty Thousand Dollars and no more.

Limitation of
this Act.

SECTION 6. *And be it further Enacted* That this Act and the Act to which it is in addition and the powers and privileges granted by the said Acts respectively, shall be & remain in full force for the space of Twenty years from the twenty fifth day of June One thousand seven hundred & ninety five, any thing in either of the Acts aforesaid to the contrary notwithstanding.

Private estates
of President and
Directors liable
in certain case.

SECTION 7. *And be it further Enacted* that in case of any loss or losses taking place that shall be equal to the amount of the Capital Stock of said Corporation, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any Policy of Insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under Policies thus subscribed.

Affairs of the
corporation to
be submitted to
General Court.

SECTION 8. *And be it further Enacted* That the President and Directors of said Corporation shall when and as often as required by the Legislature of this Commonwealth, lay before them such a statement of their affairs, as the said Legislature may deem it expedient to require, and submit to an examination thereon under oath.

Contracts
confirmed.

SECTION 9. *Be it further Enacted*, That all Contracts heretofore entered into by said Fire Insurance Company shall apply to the said Marine & Fire Insurance Company as fully to all Intents and purposes as they would have done to said Fire Insurance Company, if this Act had never been passed.

Previous
provisions
recognized.

SECTION 10. *And be it further Enacted*, That all the provisions and regulations contained and expressed in the Act to which this is in addition, so far as the same renders the Stock of the Fire Insurance Company liable to Attachment for the satisfaction of debts and for preventing Dividends in case the said Stock shall be diminished by losses, shall have the same force and effect touching the Stock created by this Act, as if the same provisions and regulations were repeated and re-enacted in and by this present Act.

Approved February 13, 1799.

1798. — Chapter 47.

[January Session, ch. 17.]

AN ACT TO EMPOWER THE INHABITANTS OF THE TOWN OF BOSTON TO CHOOSE A BOARD OF HEALTH, & FOR REMOVING & PREVENTING NUISANCES IN SAID TOWN.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the authority of the same,* That the Freeholders and other Inhabitants of the Town of Boston, qualified to vote for Town Officers, shall, on the first Wednesday in the month of April, annually, meet in their respective wards, at such times, & in such places as may be appointed, to chuse one able & discreet person, who shall be an Inhabitant of the Ward for which he shall be chosen, & a Freeholder, to be a member of a Board of Health, which shall consist of a member from each ward, to be chosen by ballot, and not otherwise; which Board, when so chosen, shall elect a President & Secretary, & shall, seven days, at least, before the said first Wednesday in April, annually, publish a notification in two of the newspapers printed in the Town of Boston, mentioning the time and place within each Ward respectively, when and where the several Wards shall assemble for the purposes aforesaid. And the Members of the Board of Health, for the year preceding, shall preside, each in his Ward respectively, at said meeting, untill a Clerk shall be chosen by the Ward, and no longer; which choice shall be by ballot. The Clerk shall then call for the votes, receive and count the same in open meeting, & certify to the President of the existing Board of Health, within twenty four hours after said meeting, the name of the person that shall be chosen by a majority of the Votes present; and on failure thereof shall forfeit the Sum of Ten dollars. And in case of the death, neglect, or refusal of the Member of the Board of Health to preside at said meeting, the Ward may appoint a Committee to receive the votes for a Clerk. And upon a return of the Members chosen, the President of the Board shall notify them to meet at a certain time & place, to be by him pointed out, within seven days after said first wednesday in April, at which time the Board of Health, for the year ensuing, shall be formed. And on the death or resignation of the President or Secretary, the Board may, at any

Members for Wards to be chosen annually.

President and Secretary to be elected.

Members to preside at meetings for choice of new members.

Choice to be certified to the President of the existing Board.

New Board to be assembled.

time, fill such vacancy. And on the death or resignation of any Member of the Board the Ward for which he was a Member, may, at any time, fill such vacancy, upon a notification from the Board of Health, in manner before provided for the choice of its Members.

Members
to examine
Nuisances.

May enter
houses, &c.
by force.

SECT. 2D. *And be it further Enacted by the authority aforesaid*, That it shall be the duty of the Board of Health, and each of them to examine into all nuisances, & other causes injurious to the Health of the Inhabitants, whether the same shall be caused by Stagnant Waters, Drains, Common Sewers, Slaughter Houses, Tan Yards, Fish, Fish Houses, Docks, Necessaries, Putrid Animal or Vegetable Substances, or any other cause, of whatever kind, which in his or their opinion may be injurious to the Health of the Inhabitants, as aforesaid; and they, or any two of them, shall have power with the assistance of any Justice of the Peace and the Sheriff of said County, or either of his Deputies, forcibly to enter and to search all Houses, Stores, Cellars, Ships, & Vessells, between Sun rise & Sun Set, where they may have reason to suspect any of the causes aforesaid to exist. *Provided however*, That no Sheriff, or Deputy Sheriff, shall execute any civil process, either by arresting the body or attaching the Goods & Chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; & all services so made, under colour of such entry shall be utterly void; & the Officer, making such Service, shall be considered as a trespasser to all intents, *ab initio*. And any person or persons who shall resist such search shall forfeit & pay the Sum of Twenty dollars, to be recovered in manner hereinafter provided; and it shall be the duty of the Board of Health, upon the discovery of any such nuisance or other cause injurious to the health of the Inhabitants of said Town, forthwith to remove the same; and upon complaint to any Justice of the Peace within the said town, made upon Oath by one or more of the said Board of Health, such Justice shall grant a warrant therein expressing the Substance of the said Complaint, directed to the Sheriff of the County of Suffolk, his Deputy, or any Constable of the Town of Boston, commanding him to notify, and require the person or persons in whose possession, or upon whose property such nuisance or other cause aforesaid existed, or in case of

his absence, his Clerk, Agent, or Attorney, to appear forthwith before such Justice; and if such person shall neglect then & there to appear, or appearing, shall not shew good cause, to the Satisfaction of said Justice, why Judgement should not pass against him or them, the said Justice, shall, then and there, adjudge that such person or persons, notified and found guilty, as aforesaid, shall pay a fine of thirteen Dollars, and shall, thereupon, issue his warrant, directed to the Sheriff of the County of Suffolk or his Deputy, thereby commanding him to levy the expence of said removal on the said occupier or proprietor of the House, Land, Cellar, Docks, Store, or Vessel, in which said nuisance existed, together with the fine aforesaid; and said fine shall be paid over to the Town Treasurer for the use of the said Town. *Provided allways*, That any person or persons aggrieved, at any Judgement of a Justice, passed against him or them, as aforesaid, shall have a right to appeal therefrom to the Court of Common Pleas, then next to be holden within and for the County of Suffolk, who shall hear and determine on such complaint, with or without the intervention of a Jury, as the case may require, and thereupon render such Judgement as the Justice is herein before authorized to do in an original complaint to him, with additional costs; and the Judgment of said Court thereon shall be final. *Provided Nevertheless*, That no such appeal shall be granted unless the respondent shall claim the same on the day on which the Justice's Judgement shall be rendered, and shall enter into recognisance, with two sufficient surities, to prosecute said appeal with effect. And said Board shall have authority to appoint Scavengers, & such other Officers to assist them in the execution of their Office, as they shall judge necessary; for payment of whom, & all necessary expences, which may arise in the exercise of their Office, said Board shall be authorized to draw upon the Town Treasurer; and the accounts of said Board shall be examined by the committee of accounts annually chosen by the Town for that purpose, who shall report a State of them to the Town accordingly, and the same shall be paid by the Treasurer of the said Town.

Nuisances to be removed at the expense of the offending party.

Proviso.

The Board may appoint scavengers, and draw on the Town Treasurer for money.

SECT. 3D. *And be it further Enacted by the authority aforesaid*, That any person who shall offer for Sale in the town of Boston, or shall have in possession, any tainted or putrid salted meat, or pickled fish, which shall be so

Penalty for possessing putrid meat or fish.

Packers to be sworn.

Penalty for repacking bad provisions.

No untanned hides to be permitted in town during certain months.

Penalty for throwing filth into the docks.

deemed by any two of the Board of Health, upon conviction thereof, in manner aforesaid, shall forfeit the sum of Two Dollars for each barrell so offered for Sale, or that he shall have in possession. And it shall be the duty of every licenced packer of provisions and pickled Fish, to give information to the Board of Health, or some one of them, of any such meat or fish, that shall come to his knowledge, and shall moreover be sworn before the President of the Board of Health, or some one of the said Board, to give such information, before he shall execute that trust, after the passing of this Act; and said President and members are hereby severally authorised to administer said oath. And if any packer of Provisions shall repack any meat or fish, that shall be unwholesome, or not fit for use, and be thereof convicted before any Court competent to try the same, he shall forfeit Two dollars for each barrell so repacked, and shall forever be disqualified from serving again in that capacity; and no provisions shall be repacked in the said Town of Boston between the first day of June and the first day of October, in any year, unless upon some Island, where permission therefor shall be obtained in writing from the Board of Health; and any person or persons, who shall repack any provisions within the times aforesaid in the said Town of Boston, shall forfeit the sum of two dollars for each barrell so repacked.

SECT. 4TH. *And be it further enacted*, That no untanned hides shall be stored or kept in the Town of Boston between the first day of May & first day of December, and that all such hides found in said Town, within the times mentioned, shall be forfeited, unless removed without the limits of said Town by the owner thereof, within twenty-four hours after notice given him by the said Board of Health or any two of them: That any person who shall throw into any of the docks in the Town any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the Order or regulations of the Board of Health, shall forfeit and pay for each offence a sum not less than one dollar nor more than twenty dollars, at the discretion of the Court which may have cognizance of such offence: That all Masters of Vessells, who shall throw into any of the Docks of said town, without permission from the Board of Health, any filth or sweepings of the Vessel's hold, shall forfeit a Sum not less than five dollars, nor

more than Fifty dollars for each offence. And all penalties & forfeitures, arising from this Act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the said Town, and shall be prosecuted & recovered by action of debt in the name of the President of said Board of Health, or by information in any Court competent to try the same. And it shall be the duty of the Board of Health to oversee & enforce the due execution of the foregoing Law and prosecute all offenders, & for all penalties & forfeitures which may accrue under the same.

Appropriation
of fines.

SECT. 5TH. And whereas it may be necessary that the Board of Health should be sooner formed than the month of April: *Be it further Enacted*, That in the present year only the meetings of the several Wards shall be on the first wednesday in the month of March, and the returns shall be made, and the Board formed in seven days from that time. And Thomas Dawes & William Smith, Esquires, or either of them, are hereby empowered to authorise some person in each Ward to call a meeting of such Wards, for the purposes before mentioned, & to direct that the returns shall be made to themselves, who are directed to call a meeting of the Board, as in manner before provided, and to preside at said Board untill a President or Secretary shall be chosen, and no longer.

First Board to
be chosen in
March.

SECT. 6TH. *And be it further Enacted*, That the Wards mentioned in this Act shall be the same pointed out in a certain Act passed in the eighth & ninth year[s] of the reign of George the Second, entitled “an Act for employing and providing for the Poor of the Town of Boston.”

A former
description
of Wards
recognised.

Approved February 13, 1799.

1798.—Chapter 48.

[January Session, ch. 13.]

AN ACT IN ADDITION TO THE ACTS ESTABLISHING THE FIRST MASSACHUSETTS TURNPIKE CORPORATION.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same*, that the said Corporation be & is hereby empowered to commute the rate of toll, with any person or with the inhabitants of any town, through which their Turnpike road is made by taking of him or them, any certain sum, annually, or for a less time, to be mut-

An annual sum
for Toll may
be accepted.

ually agreed on, in lieu of the Toll established in and by said Acts.

May grant monies.

SECT. 2D. *And be it further Enacted* that said Corporation is hereby impowered to grant monies to such persons as rendered services to the Proprietors, in exploring the rout[e] of the Turnpike road or otherwise, previously to the Act of Incorporation.

Approved February 13, 1799.

1798. — Chapter 49.

[January Session, ch. 14.]

AN ACT TO SET OFF THAT PART OF THE ESTATE OF SIMEON CUTLER WHICH LIES IN MEDWAY IN THE COUNTY OF NORFOLK & TO ANNEX THE SAME TO THE TOWN OF HOLLISTON IN THE COUNTY OF MIDDLESEX FOR THE PURPOSE THEREIN EXPRESSED.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, That that part of the Land now owned by the said Simeon Cutler which lies in the said Town of Medway, be & hereby is set off from the said Town of Medway & annexed to the said Town of Holliston for the purpose of being subjected to Taxation in all future Taxes in Parish or Ministerial charges to the said Town of Holliston.

Approved February 13, 1799.

1798. — Chapter 50.

[January Session, ch. 16.]

AN ACT TO INCORPORATE STEPHEN HIGGINSON AND OTHERS INTO A COMPANY BY THE NAME OF THE BOSTON MARINE INSURANCE COMPANY.

Title.

SECT. I. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same,* That the said Stephen Higginson and others, and all such persons as have already, or hereafter shall become Stockholders in said Company, being Citizens of the United States, be, and hereby are incorporated into a Company and body politic by the name of The Boston Marine Insurance Company, for and during the term of Twenty Years after the passing of this Act, and by that name may sue or be sued, plead or be impleaded, appear, prosecute, and defend to final Judgment and Execution, and have a Common Seal which they may

Limitation.

alter at pleasure ; and may purchase, hold and convey any Estate real or personal for the use of said Company, subject to the restrictions herein after mentioned.

SECT. II. *And Be it further Enacted by the Authority aforesaid*, That a Share in the Capital Stock of the said Company shall be One hundred Dollars, and the number of Shares shall not be less than Five Thousand nor more than Eight Thousand two hundred. And if the said number of Shares are not already filled, Subscriptions shall be kept open, under the inspection of the President and Directors of the said Company, until the same shall be filled, and the whole Capital Stock, Estate or Property, which the said Company shall be authorized to hold, shall never exceed Eight hundred and twenty thousand Dollars, exclusive of premium Notes or profits arising from said business ; of which Capital Stock or Property Twenty thousand Dollars only shall be invested in Real Estate.

SECT. III. *And be it further Enacted*, That the Stock, Property, Affairs and Concerns of the said Company shall be managed and conducted by Twelve Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until others shall be chosen, and no longer ; which Directors shall at the time of their election, be Stockholders and Citizens of this Commonwealth, and shall be elected on the first Monday in January in each and every Year, at such times of the day and at such place in the town of Boston, as a majority of the Directors for the time being shall appoint ; of which election, public notice shall be given in at least two of the Newspapers printed in the town of Boston, and continued for the space of ten days immediately preceeding such election. And such election shall be holden under the inspection of Three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by ballot by a majority of votes of the Stockholders present, allowing one vote to each share in the Capital Stock ; *Provided* that no Stockholder shall be allowed more than fifty votes. And the Stockholders not present, may vote by proxy, under such regulations as the said Company shall prescribe. And, in case of any unavoidable accident the said Directors should not be chosen on the first Monday of January as aforesaid, it shall be lawful to choose them on another day in manner herein prescribed.

Shares.

Capital Stock.

Directors to be annually chosen.

Mode of election.

President to be
chosen.

SECT. IV. *And be it further Enacted*, That the Directors so chosen shall meet as soon as may be, after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office, and in case of the death, resignation or inability to serve, of the President or any Director, such vacancy or vacancies shall be filled for the remainder of the Year in which they may happen, by a special election for that purpose to be held in the same manner as is herein before directed, respecting annual elections for Directors and President.

Quorum of
Directors.

SECT. V. *And be it further Enacted*, That the President and six of the Directors, or seven of the Directors in the absence of the President, shall be a board competent for the transaction of business, and all questions before them shall be decided by a majority of votes; and they shall have power to make and prescribe such bye-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate & Effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several Officers, Clerks and Servants employed, and the election of Directors and all such matters as appertain to the business of Insurance, and shall also have power to appoint a Secretary, and so many Clerks and Servants for carrying on the said business, and with such salaries and allowances to them & to the President, as to the said Board shall seem meet. *Provided* that such bye Laws, rules & regulations shall not be repugnant to the Constitution or Laws of this Commonwealth.

Directors to
meet monthly,
or oftener.

SECT. VI. *And be it further Enacted*, That there shall be stated Meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President and a Committee of three of the Directors to be by him appointed in rotation, shall assemble daily if need be for the dispatch of business; and the said Board of Directors and the Committee aforesaid, at and during the pleasure of the said Board, shall have power and authority, on behalf of the Company, to make Insurances upon Vessels, freight and goods, and against captivity of persons, and on the life of any person during his absence by Sea, and in cases of money lent upon bottomry and respondentia, and to fix the premiums and terms of payment; and all

President to
attend daily.

Property, &c.
to be insured.

Policies of Insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the seal of said Company; and the assured may thereupon maintain an Action upon the case against the said Company; and all losses duly arising under any Policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Policies to be signed by the President, or two Directors in certain case.

SECT. VII. *And be it further Enacted*, That it shall be the duty of the Directors, on the second Monday of June and December, in every year, to make dividends of so much of the Interest arising from their Capital Stock, and the profits of the said Company, as to them shall appear advisable; but the monies received and notes taken for premiums on Risques which shall be undetermined and outstanding at the time of making such Dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the Capital Stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times, as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution shall have been added to the Capital; and that once in every three years and oftener, if required, by a majority of the Votes of the Stockholders, the Directors shall lay before the Stockholders at a General Meeting, an exact and particular statement of the profits, if any there be, after deducting losses, and dividends.

Dividends to be annually made.

Certain property not to be reckoned as profits.

Capital to be kept good.

Triennial statement directed.

SECT. VIII. *And be it further Enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any Goods, Wares, Merchandize or Commodities whatsoever; and the Capital Stock of said Company, after being collected at each installment, shall, within one hundred and twenty days, be invested, either in the funded Debt of the United States, or of this Commonwealth, or in the Stock of the United States Bank, or of any Incorporated Bank in this Commonwealth, at the

Company prohibited from speculating.

Capital to be invested in public stock.

discretion of the President and Directors of said Company, or of other Officers which the Proprietors shall for such purpose appoint.

Payment for
shares.

SECT. IX. *And be it further enacted*, That Thirty Dollars on each share in said Company, shall be paid within twenty days after the first meeting of said Company, and the remaining sum due on each share, within one year afterwards, at such equal instalments, and under such penalties, as the said Company shall direct; & no transfer of any share in said Company, shall be permitted or be valid, until all the Instalments on such share shall have been paid.

Delinquents
cannot transfer
shares.

Members of
other Marine
Companies
excluded from
being Directors.

SECT. X. *And be it further Enacted*, That no person, being either singly or as Partner with one or more persons a Member of any other Company carrying on the business of Marine Insurance, shall be eligible as a Director of the Company by this Act established.

Shares may be
taken for debt.

SECT. XI. *And be it further Enacted by the Authority aforesaid*, That the property of any Member of said Company, vested in the Stock of said Company, shall be liable to attachment and to the payment and satisfaction of his just debts to any of his *bona fide* Creditors, in manner following, vizt. in addition to the summons by law prescribed to be left with the Defendant, a like summons shall be left with the Secretary of said Company, and the Debtors shares in the said Company's funds, together with the Interest and profits due, growing thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to law; and all transfers of the Debtors shares not noted in the Books of the Company, previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any Stockholder in said Company, and his share or shares therein exposed to sale in the same manner as is by law prescribed where personal estate is taken in execution; and it shall be the duty of the Officer who extends such execution, to leave an attested Copy thereof with his doings thereon, with the Secretary of said Company; and the purchasers shall thereupon be entitled to the reception of all dividends and stocks which the Debtor was previously entitled to. And upon any attachment being made or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company, to expose the books of the Company to the Officer, and to

Form of pro-
cess.

furnish him with a Certificate under his hand in his official capacity ascertaining the number of Shares the Debtor holds in said Company, and the amount of the Dividends thereon due.

SECT. XII. *And be it further Enacted* that in case of any loss or losses taking place, that shall be equal to the amount of the Capital Stock of the said Company, and the President or Directors, after knowing of such loss or losses, taking place, shall subscribe to any policy of Insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

Property of President and Directors liable in certain case.

SECT. XIII. *And be it further Enacted* that the President and Directors of said Company, shall, previous to their subscribing to any Policy, and once in every year after, publish in two of the Newspapers printed in the Town of Boston, the amount of their Stock against what risques they mean to insure, and the largest sum they mean to take on any one risque.

State of capital to be published, and amount to be insured on one risk, &c.

SECT. XIV. *And be it further Enacted* that the President and Directors of said Company shall when and as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company & submit to an examination concerning the same, under oath.

State of company's affairs to be submitted to the Legislature.

SECT. XV. *And be it further Enacted*, That Stephen Higginson, William Parsons, and William Smith esquires, or any two of them, are hereby authorized to call a Meeting of the Members of said Company, as soon as may be, in Boston, by advertising the same for three weeks successively in two of the Newspapers printed in said Town, for the purpose of their electing a first Board of Directors, who shall continue in Office until the first Monday of January One thousand & eight hundred.

Persons authorized to call first meeting.

Approved February 13, 1799.

1798. — Chapter 51.

[January Session, ch. 18.]

AN ACT TO CHANGE THE NAME OF GIDEON THAYER TO GIDEON LATIMER THAYER.

Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same, That from and after the passing of this Act, Gideon

Thayer, of Braintree, in the County of Norfolk, son of the Honorable Ebenezer Thayer, of said Town, be, & he hereby is authorized & allowed to take, use & bear, the name of Gideon Latimer Thayer, & by that name to be hereafter known & called, in all processes & records whatever.

Approved February 16, 1799.

1798. — Chapter 52.

[January Session, ch. 19.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR DIVIDING AND SEPERATING THE [THE] INTEREST, OR PROPRIETY IN THE LOCKS AND CANALS, OPENING AND PROPOSED TO BE OPENED ON CONNECTICUT RIVER, IN THE COUNTY OF HAMPSHIRE, CALLED THE UPPER AND LOWER CANALS."

Preamble.

Whereas the provision contained in the aforesaid act for enforcing the payment of taxes assessed on the shares in said corporation appears to be inadequate to the purpose intended by the same, therefore

Sales at vendue made legal.

SEC. 1. *Be it enacted, by the Senate and House of Representatives in General Court assembled, and by the authority of the same;* that wherever the Treasurer of said proprietors already has, or hereafter shall have advertized, and exposed to sale at public Vendue any share, or shares in said Locks and Canals, on which the taxes due are not paid in the manner directed and required by the act aforesaid for enforcing the payment of the taxes assessed and payable on such share or shares, and no persons have, or shall appear to purchase the same, and the taxes assessed thereon, are or shall remain due and unpaid, that in such case, the Treasurer of said proprietors shall and may notify the owners of such share or shares, describing the same by their numbers, of his doings therein, by publishing the same in a news paper printed in Northampton, and Springfield; and shall therein mention, that unless the taxes assessed and due thereon, together with the costs of such advertizements, are paid to said Treasurer within four calendar Months from the first publication of such notice, such share, or shares will be vacated and extinguished and the Certificates thereof of no validity, and that all monies paid thereon will acerue to, and be for the use of the Corporation.

Proprietors to be notified.

The shares of delinquents to be sold, after

SEC. 2. *Be it further enacted by the authority aforesaid,* that whenever the said Treasurer shall have pursued the measures pointed out in the foregoing section and the

taxes assessed on such share or shares, and the said costs are not paid to said Treasurer before the expiration of said four months, and the said treasurer shall have given the Clerk of said proprietors a true copy of such advertisements with a certificate of all his doings thereon, which shall by said Clerk be entered at large on the proprietors' Book of records, such share or shares shall then be vacated and extinguished and the Certificates thereof shall not afterwards intitle the holder or owner thereof to any right, interest, or privilege in the said Locks and canals, and all monies paid thereon shall accrue and be to the use of the said Corporation and all the toll or income of said Locks and Canals shall be divided to and among the proprietors holding the remaining shares, any Law heretofore made to the contrary notwithstanding.

notice in newspapers, unless arrears are paid in four months.

Proprietors' clerk to erase from the books those who shall neglect to pay the assessments after legal notice, and their shares to become common stock.

Approved February 19, 1799.

1798. — Chapter 53.

[January Session, ch. 22.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR REGULATING THE TAKING OF SHAD, ALEWIVES & OTHER FISH IN NEPONSET RIVER, & THE SEVERAL STREAMS FROM THE PONDS CALLED PUNKAPOG & MASSAPOG."

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, That the Town of Stoughton in the County of Norfolk may choose a Committee to inspect the Fishery in Neponset River & the Streams aforesaid, in the same manner, & who shall be under the same regulations, subject to the same duties, & have the same powers, as the like Committees for the several Towns adjoining the aforesaid River & Streams. And said Town of Stoughton shall have their proportionable part with the Town of Canton of all profits arising from said Fishery; & also of all Fines & Forfeitures incurred by the breaches of the Act to which this is an addition, in the same manner & to the same extent it would have had, had the Act passed the twenty third day of February, in the year of our Lord one thousand seven hundred & ninety seven, entitled, "An Act to divide the Town of Stoughton, in the County of Norfolk, & to incorporate the Northerly part thereof into a Town by the name of Canton" never have been passed, any thing in either of the aforesaid Acts to the contrary notwithstanding.

Stoughton to choose committee.

Stoughton to share with Canton.

Approved February 19, 1799.

1798. — Chapter 54.

[January Session, ch. 20.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PREVENT DAMAGE BY MISCHIEVOUS DOGS," PASSED FEBRUARY TWENTY FIFTH, 1792.

Dogs to be provided with collars with the owner's name thereon.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this act, it shall be the duty of every person in this Commonwealth, who is, or may be the owner or keeper of any dog, and the Parent, Guardian, Master, or Mistress of any minor, or servant, who is, or may be the owner, or keeper of any dog, to cause such dog so kept, constantly to wear a collar of some kind, with the name of the owner, and the Town or Place of his residence, inscribed at length, in legible letters, on said collar.

Dogs without collars may be killed.

SEC. 2D. *And be it further enacted,* That it shall and may be lawfull for any person, from and after the passing this act, to kill any dog found going at large not wearing a collar as aforesaid.

Owners to be accountable for mischief of their dogs.

SEC. 3D. *And be it further enacted,* That when any dog shall do any damage either to the person, or the property of any person, the owner or keeper of any such dog, and also the parent, Guardian, Master or Mistress of any minor or servant, who shall own, or keep any such dog, shall be liable to such sum, in damages, as said Person may have sustained by said dog; but the defendant, in any such action, may give any special matter in evidence in excuse or justification, under the general issue, any law, usage or Custom to the contrary notwithstanding.

SEC. 4TH. *And be it further enacted,* That an act intituled an act to lessen the dangerous evils of canine madness, and other injuries occasioned by dogs, passed February 19th, 1798, be and the same is hereby repealed, excepting so far as relates to the prosecuting for any injuries, and the collecting any Taxes, under said act.

Approved February 19, 1799.

1798.— Chapter 55.

[January Session, ch. 21.]

AN ACT CONCERNING THE PROPRIETORS OF LEBANON.

Whereas the Proprietors of Lebanon have represented to this Court that Judgment has been recovered by William Rogers, Esquire, against said Proprietors for the sum of Eighteen hundred & twenty four dollars & thirty three cents damages & fifty two dollars & eighty two cents costs, & that they are not authorized by Law to vote, levy & collect said sums of & upon the Proprietors of said Lebanon in manner as is provided by a Law of this Commonwealth, entitled, “An Act in addition to & to explain an act passed the tenth day of March, in the year of our Lord one thousand seven hundred & eighty four, entitled, “An Act for the better managing of Lands, Wharves & other Real Estate lying in common,” by reason of the final division of their Lands for more than ten years before the judgment aforesaid was recovered. Preamble.

Be it enacted, by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, That the said Proprietors may, & they are hereby authorized & empowered to act in their corporate capacity for the term of two years from the time of passing this Act for the purpose of doing & suffering all such matters & things as they might have done & suffered by virtue of the first Section of the Act aforesaid, any thing in the proviso of said Act to the contrary notwithstanding. Authorized to act in corporate capacity.

Approved February 19, 1799.

1798.— Chapter 56.

[January Session, ch. 23.]

AN ACT TO DIVIDE THE COUNTY OF LINCOLN AND TO CONSTITUTE THE NORTHERLY PART THEREOF A SEPARATE COUNTY BY THE NAME OF THE COUNTY OF KENNEBECK.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the County of Lincoln shall be divided by a line begining on the westerly line of the County of Hancock, at a place from which a line runing west north west, shall strike the north easterly corner of the town of Harlem. from thence running south easterly,* Line of division.

by the easterly line of said town to the southeasterly corner thereof, thence southwesterly on a strait line to the North easterly corner of Pittston, thence by the Easterly line of said Pittston to the south easterly corner thereof, thence westerly by the Southerly line of said Pittston to the South westerly corner of said Town last mentioned, thence north westerly by the Westerly line of said Pittston to the mouth of Purgatory Stream (so called), which empties itself into Cobbesecontee Stream (so called) thence west north west to the East line of the town of Monmouth, thence southerly by the East line of said Monmouth, to the Southeasterly corner thereof, thence Westerly by the Southerly line of said Monmouth, to the Westerly corner of said Town, thence West to the Easterly line of the town of Greene, thence Southerly by the Easterly line of said Greene to the Southeasterly corner thereof, and thence westerly by the Southerly line of said Greene to Androscoggen river, or the dividing line between the Counties of Cumberland and Lincoln; and that the County of Lincoln aforesaid be, and the same is hereby declared to be bounded, Northerly & Westerly by the line aforesaid.

Constituting
clause.

SECT. 2D. *And be it further Enacted by the authority aforesaid*, that all, and every part and parcel of the late County of Lincoln situated on the Northerly and Westerly side of the aforesaid dividing line, and extending Northerly and Westerly so as to comprehend all the Territory, lying between the Counties of Cumberland and Hancock, and on the Northerly & Westerly side of the dividing line aforesaid, shall be, and the same hereby is formed and erected into an entire and distinct County by the name of Kennebeck, of which Augusta shall be the Shire or County Town: And the Inhabitants of the said County of Kennebeck, shall have and possess, use, exercise, and enjoy, all the powers, rights, and immunities, which by the Constitution and Laws of this Commonwealth the Inhabitants of any County within the same, have, possess, use, exercise, enjoy, and are entitled to.

Augusta, the
shire town.

Courts.

SECT. 3D. *And be it further enacted*, that there shall be held and kept within the said County of Kennebeck a Court of General Sessions of the Peace, and a Court of Common Pleas, to be holden, in and for the same County, at Augusta, aforesaid, on the second Tuesdays of June & December, annually, and also a Supreme Judicial Court,

to be holden at Augusta, aforesaid, in and for the same County, on the third Tuesday next following the fourth Tuesday of June, annually; and the Justices of the said Court of General Sessions of the Peace, & Court of Common Pleas, when lawfully appointed, commissioned, and qualified, shall have, hold, exercise, and enjoy all the powers and authority, which are given and Granted to Justices of like Courts in any other County within this Commonwealth; and all Judicial Courts within the County of Kennebeck shall bear the same legal relation to each other, by process and legal proceedings of every kind, as the like Courts do in other Counties of this Commonwealth.

SECT. 4TH. *And be it further enacted*, That the method and proceedings directed by law for choosing a County Treasurer & Register of Deeds, and the modes, forms, and proceedings, known, and practised, in bringing forward and trying actions, causes, pleas, or suits, and of originating and conducting legal processes of every kind, whether civil or criminal in the Judicial Courts, established in the several Counties in this Commonwealth, & for choosing persons to serve as jurors at said Courts, shall be observed and put in practice, used & exercised within the said County of Kennebeck: *provided however*, That the County Treasurer and Register of Deeds, for said County of Kennebeck, shall, for the first time, originate in the same manner, as is prescribed by law where vacancies happen by death or resignation.

County
Treasurer.
Register of
Deeds.

Juries, &c.

Proviso.

SECT. 5TH. *And be it further Enacted*, That Deeds, conveyances, and transfers of real estate of every kind, which shall happen or take place prior to the appointment of a person for Register of Deeds within and for said County of Kennebeck, and to his being qualified to discharge the duties of that Office, may be recorded in the Office of Register of Deeds in & for the County of Lincoln, and such Registering shall have the same effect & operation, as though recorded in the Registry of Deeds for said County of Kennebeck.

Deeds to be
registered in
Lincoln Co.
until Kennebeck
Co. is organized.

SECT. 6TH. *And be it further enacted*, That the several towns, Districts & Plantations, within the said County of Kennebeck, shall pay to the Treasurer of the County of Lincoln, their due proportion of all County taxes, that shall have been granted prior to the day when this Act shall begin to operate; and the Court of General Sessions

Inhabitants
of Kennebeck
Co. to pay pro-
portion of ex-
isting Lincoln
Co. taxes.

of the Peace in & for the County of Lincoln, shall have the same powers & authority to proceed with & assess upon all such Towns, Districts, & Plantations, severally, their due proportion of all such taxes, which shall be granted as aforesaid, in the same manner as if this Act had never passed; and the assessors of all such Towns, districts, & Plantations, & the Inhabitants thereof, severally, shall be governed by, & subject to the same Laws of this Commonwealth, and held, bound, & obliged to perform the same duties, & be under the same penalties, with respect to assessing & paying all such Taxes, as if this Act had never passed; & the Treasurer of the said County of Lincoln, shall be, & hereby is directed & empowered to proceed in the same manner for the collection of such Taxes, & shall have the same powers & authority to collect and levy the same by warrants of distress, in due form of Law, as if this Act had never passed; & all lawful precepts issued by said Treasurer for the County of Lincoln, for the Collection or levying such taxes, directed to the proper Officer, within & for the County of Kennebeck, shall be duly obeyed by such officer, under the same penalty; & such officer shall be liable to be proceeded with for any default therein in the same manner, as in like cases, where a similar default happens in any County in this Commonwealth, within, & to which both said Treasurer & officer belong: and the said County of Kennebeck shall be held to pay their due and just proportion of all debts that shall be due & owing from the said County of Lincoln on the day and time when this Act shall come into operation. And after the payment of such debts shall be entitled to their due proportion of all monies & Credits which may belong to the present County of Lincoln on the first day of April next.

Compulsory
process author-
ized in cases of
delinquency.

Kennebeck Co.
to discharge
proportion of
existing Lincoln
Co. debts.

Commencement
of this act.

Removal of
actions author-
ized.

SECT. 7TH. *And be it further Enacted*, That this act shall begin to operate and be in force on the first day of April next, and not before.

SECT. 8TH. *And be it further Enacted*, That all actions and civil suits, of every name and kind, now pending in the Supreme Judicial Court, next to be holden in & for the County of Lincoln, & for the Counties of Lincoln Hancock & Washington in July next, or which may be commenced and brought forward to have day in said Supreme Judicial Court, before the said first day of April next, in which, real estate shall be sued for that is situated

in the County of Kennebeck, or in which, the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them reside within said County of Kennebeck, or in which, the original plaintiff or plaintiffs, petitioner or petitioners, do not live or reside within the present County of Lincoln, & the adverse party do live and reside within the County of Kennebeck; and all indictments and criminal prosecutions of every kind for offences committed within the County of Kennebeck, together with all recognizances, *Scire facias*, & suits, wherein the Commonwealth is a party, & the adverse party resides within the County of Kennebeck, shall be transferred & removed to, be heard, tried, & have day, entered and proceeded upon, in the said Supreme Judicial Court, which shall be next holden in & for said County of Kennebeck, & all the papers & documents, belonging to all such actions, suits, petitions, indictments, criminal prosecutions, & recognizances that shall be filed in the Clerk's Office of said Court, within the County of Lincoln, shall be delivered over by him to the Clerk of said Court that shall be appointed for the said County of Kennebeck. And all actions & civil suits of every kind pending in the Courts of General Sessions of the Peace, & Common Pleas, which by law are to be holden at Pownalborough, in & for the County of Lincoln, on the first Tuesday of June next, or which shall be commenced or brought forward to have day in either of said Courts last mentioned before the first day of April next, or before a Clerk shall be duly appointed and qualified as such, for said Courts, in and for the said County of Kennebeck, in which real estate shall be sued for, that is situated in the County of Kennebeck, or the original Plaintiff or Plaintiffs, petitioner or petitioners, one or more of them, reside in the County of Kennebeck, or in which, the original plaintiff or plaintiffs, petitioner or petitioners do not live or reside within the present County of Lincoln, and the adverse party do live or reside within the County of Kennebeck, and all indictments & Criminal prosecutions of every kind for offences committed within the County of Kennebeck, together with all recognizances, *scire facias*, & suits wherein the Commonwealth are a party, & the adverse party live or reside within the County of Kennebeck, shall be transferred & removed to, be heard, tried, & have day, entered & proceeded upon, in the said Courts of General Sessions & Common Pleas,

Actions and suits to be transferred to Kennebec Co. courts.

respectively, which shall next be holden within & for the County of Kennebeck ; & all papers & documents, belonging to such actions, suits, indictments & criminal prosecutions, filed in the Office of the Clerk of said Courts last mentioned for the County of Lincoln, shall be by him delivered over, to the Clerk of the same Courts for the County of Kennebeck.

Laws respect-
ing courts
repealed.

SECT. 9TH. *And be it further enacted*, That all laws heretofore made, providing for holding Courts of General Sessions of the Peace & Common Pleas, for the County of Lincoln, at Augusta, on the second Tuesday of January, & at Waldoboro', on the second Tuesday of September, annually, be, & the same are hereby repealed ; and instead thereof —

Court to be held
at Warren for
Lincoln Co.

SECT. 10TH. *Be it further enacted*, That there shall be held & kept a Court of General Sessions of the Peace, & a Court of Common Pleas at Warren, in & for the County of Lincoln, on the first Tuesday of November, annually.

Senators.

SECT. 11TH. *And be it further Enacted*, That the said County of Kennebeck, for the choice of Senators, shall be considered as forming a part of the district heretofore known by the name of the Counties of Lincoln, Hancock & Washington, any thing in this Act to the contrary notwithstanding ; & that the Inhabitants thereof shall have and enjoy the same rights & Privileges, with respect to the election of Senators, as if this Act had never passed : & the several Towns & Plantations, within that part of the County of Kennebeck, which is comprehended within the first eastern District for the Choice of Federal Representative, shall have & enjoy the same rights & Privileges, & be subject to the same restrictions, as are provided by law : and all returns of votes for Senators & Federal Representatives within the County of Kennebeck, shall be made in the same manner & under the same penalties as is by law provided in other Counties within this Commonwealth.

Approved February 20, 1799.

1798. — Chapter 57.

[January Session, ch. 24.]

AN ACT TO ALTER THE NAME OF JEREMIAH WILLIAMS TO THE NAME OF JEREMIAH WADSWORTH WILLIAMS.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of

the same, That from and after the passing this Act, Jeremiah Williams of Dalton in the County of Berkshire, shall be, and he hereby is authorized and empowered to take bear and use the name of Jeremiah Wadsworth Williams, & shall be called and known by that name forever hereafter.

Approved February 21, 1799.

1798. — Chapter 58.

[January Session, ch. 25.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS IN THE TOWN OF WRENTHAM IN THE COUNTY OF NORFOLK, INTO A RELIGIOUS SOCIETY BY THE NAME OF THE CONGREGATIONAL SOCIETY IN WRENTHAM.

Whereas a number of the Inhabitants of Wrentham Preamble.
aforsaid have petitioned this Court, setting forth, that they have raised by Subscription Three thousand eight hundred & sixty Dollars for the purpose of establishing a Fund, the interest of which is to be appropriated for the support of a Congregational Minister for said Church & Society, who usually assemble for the Public Worship of God in the Central Meeting House in Wrentham, & praying to be incorporated for the purpose of holding & managing said Fund for the purpose aforsaid.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same,* that the said Petitioners, vizt. Ralph Day, Lewis Whiting, Samuel Cowell, Benjamin Day, James Mann, Comfort Robbins, Jason Mann, Andrew Blake, John George, Elias Ware, Calvin Fisher, Ebenezer Hawes junr. Thaddeus Whiting, John Guild, Daniel Blake, Beriah Brastow, Theodore Gerald, Phillip Blake. Benjamin Hawes, Benjamin Hawes jun. David Fisher junr. George Hawes, Abijah Fisher, Timothy Metcalf, Richard Guild junr. Richard Fisher, Jonathan Reed, Job Colman, Elias Haven, David Metcalf, Ebenezer Fisher junr. John Belcher, Daniel Shaw, Cornelius Kollock, John Messenger junr. Nathan Robinson, Eli Messenger, Samuel Fisher, James Fairbanks, Cyrus Bean, James Ide, Isaac Bennett, Luther Fisher, Jeremiah Day, Jeremiah Pond, John Hawes, Oliver Ware junr. Jerusha Norton, David Fisher, John Hall, Robert Blake, Benjamin Shepard, Nathan Blake, Thomas George, Lemuel Brown, Amos Walton, Lemuel Brown junr. William Brown, Jonathan Felt, Jeremiah Mann junr. Joseph Gay, Nathan

Persons incorporated.

Hawes, Paul Ware, Ezra Blake, Timothy Fisher, Samuel Fales, Amariah Hall, Jotham Davis, Eliphalet White, Richard Guild, John Blake, Jason Blake, Whiting Guild, James Gilmore, Noah Butterworth, Jacob Blake & Amos Archer, be & are hereby incorporated into a Society by the name of — The Congregational Society in Wrentham — & by that name may sue & prosecute, & be sued & prosecuted to final judgment & execution.

Corporate name.

Persons who are to be admitted.

SECTION 2D. *And be it further Enacted*, that said Society at any legal Meeting thereof, shall have power to admit within three months from the passing of this Act any person or persons, inhabitants of said Wrentham, living within the bounds of the North Parish, & who have heretofore usually congregated, & do now congregate at the central meeting house, & who shall within three months subscribe to the fund aforesaid; whereupon, such person or persons so admitted, shall become incorporated with said Society, & shall be entitled to all the privileges which the persons herein beforementioned are entitled to by virtue of this Act.

Further persons who may be admitted.

SECTION 3D. *And be it further enacted*, that said Society at any legal meeting thereof shall at any future time have power to admit any person or persons inhabitants of said Wrentham, living on the South side of the boundary line of the North Parish; whereupon, such person or persons so admitted shall become incorporated with said Society, & shall be entitled to all the privileges thereof, & said Society at any legal meeting shall have power to dismiss any member thereof, returning withal the capital of his subscription, after which he shall no longer be entitled to any privilege in said Incorporation.

May dismiss members.

Fund appropriated to support a minister.

SECTION 4TH. *And be it further enacted* that the income, or annual interest of the sum already subscribed, or which may be hereafter subscribed or given to said Fund, or so much thereof as may be necessary shall be appropriated to the support of a Gospel Minister of the Congregational Denomination to preach in the Public Meeting House, near the centre of the Town.

Donations, &c., may be received.

SECT. 5TH. *And be it further enacted*, that the said Society shall be & hereby are made capable in Law of receiving & holding any Grants or Devises of Lands or Tenements in Fee Simple, & any donations & bequests of Money or other personal estate from any person or persons whatsoever, & to use & improve the same for the

purpose abovementioned; *Provided* that the rents of the real together with the income of the personal estate of said Society, shall not annually exceed the sum of Nine hundred Dollars. Proviso.

SECTION 6TH. *And be it further enacted*, that David Fisher, Benjamin Hawes, Benjamin Shepard, Samuel Cowell & Lewis Whiting be & are hereby nominated & appointed Trustees of said Society to continue in Office until others are chosen & have accepted to serve in their room; & that the Trustees aforesaid & their Successors in said Office, be & they are hereby empowered & directed to call a meeting of said Society annually forever in the month of September, to choose Trustees, Treasurer, Clerk, & all such other Officers & Agents as may be found necessary, & to make & establish such rules & regulations, not repugnant to the Constitution & Laws of this Commonwealth, as they shall think necessary & convenient for the orderly management of the affairs of said Society. And said Trustees are also hereby empowered to call meetings of said Society at any other times beside the annual meetings when there shall be occasion therefor. Trustees.

Annual meetings to be held.

SECTION 7TH. *And be it further enacted* that George Hawes be, & is hereby appointed Treasurer of said Society to continue in office until another may be chosen in his room, & shall accept the office; & he & his Successors in said Office are hereby impowered to receive for the use of said Society all monies & other property, real & personal, which may belong to the Society; & under the direction of the Trustees of said Society, or a major part of them to demand, sue for & receive from the several persons abovementioned, subscribers to said Fund, & those who may hereafter become subscribers, or their heirs, executors & administrators the sums they have respectively subscribed, or which may be subscribed, for the purpose abovementioned, & also all other debts, which may become due to said Society by bond, note, donation, or any other way; & the said George Hawes & his Successors in said Office are to keep for said Society, a fair, just & regular book, with the state of the Fund, & an account of all the income, donations, subscriptions, legacies & emoluments of whatever kind, & also of all expenditures of the same which are to be paid by order, signed by the Trustees, or a major part thereof; & he & his Successors in said office, shall be sworn to the faithful discharge of their duty. Treasurer.

Record to be kept.

Clerk.

SECTION 8TH. *And be it further enacted* that James Mann be & he is hereby appointed Clerk of the said Society, & he & his Successors in said office, shall keep a fair record in a book for that purpose of all the votes, proceedings & transactions of said Society, & he & his Successors in said office shall be sworn to the faithful discharge of their duty.

Rights of property not to be affected.

SECTION 9TH. *And be it further enacted* that nothing in this act shall be construed to affect the rights of property of any individual or Society, or any arrears or just debts which have become due previous to this incorporation.

Special meetings.

SECTION 10TH. *And be it further enacted*, that any Justice of the Peace in the County of Norfolk on application made to him in writing by three or more subscribers to said Fund be & hereby is authorized to issue his warrant directed to some suitable person being a member of the Congregational Society in Wrentham, & a subscriber to their Fund, requiring him to warn a meeting of the Members of said Society, at such time & place, & to transact such matters as shall be expressed in said warrant.

Approved February 21, 1799.

1798. — Chapter 59.

[January Session, ch. 26.]

AN ACT ENABLING PROPRIETORS OF AQUEDUCTS TO MANAGE THE SAME.

Calling meetings.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That when any number of Persons shall, by writing, associate and become proprietors of any Aqueduct or of any funds raised for making and constructing the same, for the purpose of conveying fresh water by subterraneous or other pipes into any town, or place, within this Commonwealth, it shall be lawful for the proprietors of a major part of the shares, to apply, in writing, to some Justice of the Peace for the County in which the said Aqueduct may be, or is proposed to be placed, stating, in such written application, the name & stile of their association, the objects of their proposed meeting, and requesting such Justice to issue his warrant to some one of the Proprietors, so applying, directing him to call such meeting; — And such Justice is hereby

authorized to issue his warrant accordingly, therein stating the time, & place, & objects of the said meeting. And such proprietor shall notify & warn such meeting by posting up the said warrant, or a true copy thereof, with his notice, seven days, at least, before the said meeting, in some public place in the Town & towns in which the said Aqueduct may be, or is proposed to be placed.

SECT. 2D. *Be it further enacted*, That the proprietors of any such Aqueduct, or fund, duly met & assembled in pursuance of any such warrant, and their successors, shall be a corporation & body politic, by the name and stile aforesaid; and at such meeting of said proprietors, or of any number of them, they shall have power to agree upon the method of calling future meetings of the corporation.

Proprietors
of aqueducts
constituted
corporations.

SECT. 3D. *Be it further enacted*, That at any legal meeting of said proprietors, or of any number of them, they shall have power to choose a clerk, whose duty it shall be fairly & truly to enter & record, in a Book, or Books to be provided & kept for that purpose, this Act, & all rules, bye laws, votes and proceedings of such corporation; which Book & Books shall, at all times, be subject to the inspection of any person appointed for that purpose by the Legislature. And the said Clerk shall be sworn to the faithful discharge of the duties of his Office;

Clerk.

Records.

& at any such meeting, the said proprietors, or any number of them duly met, as aforesaid, shall have power to elect a moderator & any such number of directors to manage the prudential business of said Corporation, as to them may appear expedient; & such Directors, or a major part of them, are hereby authorized, from time to time, to assess such taxes on the proprietors of the shares in such Aqueduct, or in the funds which may be raised for making & constructing such Aqueduct, as they shall find necessary; & on the neglect or refusal of any proprietor to pay such tax, to sell at public Vendue, so many of his or her shares as will be sufficient to pay such taxes, with necessary intervening charges; first advertising the Sale of such Share or Shares in some newspaper printed in the County, or by posting up notifications thereof in some public places in the Town [&] [or] Towns wherein such Aqueduct may be, or is proposed to be placed, twenty days, at least, previous to such sale; & the overplus monies (if any there may be) arising from such Sale, shall be paid to the owner or owners of the share or Shares so

Moderator and
directors.

Assessments.

sold. And the said proprietors, or any number of them, duly met, as aforesaid, may, at any of their meetings, elect any other Officer or Officers, or act upon any other thing necessary for carrying into effect the objects of their institution; *provided* that the subject matter thereof be expressed in the warrant or notification for such meeting.

Voting.

SECT. 4TH. *Be it further enacted*, That in all meetings of such proprietors, each proprietor shall be entitled to one vote for each and every share he or she may hold in such Aqueduct or fund; and they are also hereby respectively empowered to depute & appoint any other person to appear and vote for him or them in such meetings; the appointment to be in writing, signed by the Person or persons to be represented, & filed with, or recorded by the Clerk of such Corporation.

Fines.

SECT. 5TH. *Be it further enacted*, That the said proprietors, or any number of them, duly met as aforesaid, may at any of their meetings, enjoin & order fines & penalties for the breach of any bye law of such Corporation, not exceeding Thirty dollars for any one breach.

Real Estate may be held, not exceeding \$30,000 — to be deemed personal estate and to be transferable.

SECT. 6TH. *Be it further enacted*, That any such corporation shall have power to purchase, take & hold any real estate necessary for the purpose of their institution; *provided* that the real estate which any one Aqueduct corporation may hold shall not exceed thirty thousand Dollars in value. And all such real estate shall, during the continuance of such corporation, be deemed and considered to all intents & purposes as personal estate, and as such, with the other interest & estate in such propriety, shall be transferrable by such mode of transfer as such Corporations, at any of their meetings, shall agree on & determine: *Provided however*, That the transfer shall be in writing & recorded by the Clerk of the Corporation in the Book or Books aforesaid within three Months next after such transfer shall be made.

Proviso.

Highways may be dug up.

SECT. 7TH. *Be it further enacted*, That such proprietors or corporation, when they shall find it necessary, shall have power to enter upon dig up & open any such parts of the Streets, Highways or Town ways in any place within this Commonwealth, for the purpose of placing such pipes as may be necessary for making and constructing such Aqueduct, or for repairing or extending the same, as the Selectmen of the Town, or the Major part of them, for the time being, shall in writing authorize & allow.

Provided such Selectmen shall not have power to authorize & allow any such Streets, Highway or Town way to be entered upon, dug up, or opened, so as to obstruct or hinder the Citizens of the Commonwealth or others from conveniently passing therein with their teams & Carriages.

Proviso.

SECT. 8TH. *Be it further enacted*, That to the end that the proprietors of the Shares in any such corporate property may be known, it shall be the duty of the Clerk of any such Corporation, at or immediately after the first meeting, to enter in the Book or Books aforesaid the names of the several proprietors, & the shares & parts of shares each proprietor shall own; and when any share or part of a share shall afterwards be sold for taxes, or otherwise transferred, such Sale or transfer shall be entered by said Clerk in such book or books, in such form & for such fees as the directors shall appoint; & no person shall be deemed a proprietor whose Share or Interest shall not be so entered.

Members' names and shares to be recorded.

SECT. 9TH. *Be it further enacted*, That, notwithstanding the dissolution of any such corporation, all contracts made by or with such corporation shall remain in full force, & the last proprietors or share holders shall have a corporate capacity, untill all contracts & agreements made by or with them prior to such dissolution, shall be performed; and are & shall be capable & liable, in & by the same name & capacity, as before such dissolution, to sue & be sued, &, by their Agent or agents, to prosecute & defend in all actions, suits & demands, respecting such contracts & agreements, untill final Judgment & Execution. And if no corporate property can be found to satisfy any Judgment which may be recovered against them as aforesaid, & such Judgment shall not be satisfied within six months after the same shall have been recovered, it shall be lawful for the Judgment Creditor to satisfy his Judgment & Execution out of the Private estate of such proprietors or of any of them, in the same way & manner as if the Judgment had been against him or them in his or their private capacity, *Provided*, That each & every such action shall be commenced within six years next after such dissolution, or within the like time next after such right of Action shall accrue. And in case any such corporation shall, at it's dissolution, be seized or possessed of any estate, the several proprietors at such dissolution shall become tenants in common thereof, in such proportions as

Individuals liable to all contracts in case of the dissolution of the corporation.

Proviso.

Proprietors to share the corporate property, in case of dissolution, as tenants in common.

they shall respectively then hold their shares & parts of Shares therein, and upon such tenure as the corporation would have held the same had not provision been herein made for making all their property personal Estate. And all shares in such Aqueducts shall be liable to be attached on *mesne* process, & taken in execution for the debts of the Owner thereof; *Provided*, That when any share or part of a share or shares shall be so attached, an Attested Copy of the process shall be left with the Clerk of the Corporation, fourteen days before the day of the Sitting of the Court to which the same shall be returnable. And when any such share, or part of a Share or Shares, shall be taken & sold on execution, the Officer shall leave with such Clerk an Attested Copy of the execution, & of his return thereon, within ten days next after such sale.

Proviso.

Penalty for
injuring
aqueducts.

SECT. 10TH. *Be it further enacted*, That if any person shall maliciously or wantonly injure any such Aqueduct, he or She shall forfeit & pay a sum not exceeding Twenty Dollars, to be recovered by indictment in the Supreme Judicial Court, or Court of General Sessions of the Peace, one moiety thereof to the Prosecutor, & the other moiety thereof to the use of the Town in which such offence shall have been committed; and shall also be liable to pay treble damages to the Corporation so injured, to be recovered by Action in the Case, with Costs of suit.

Water may be
drawn off in
case of fire.

SECT. 11TH. *Be it further enacted*, That any town in which any such Aqueduct shall be placed, shall have the privilege of placing conductors into & from the pipes & conductors laid by any such corporation, for the purpose of drawing such water therefrom, as may be necessary, when any building shall be on fire in such Town, & of drawing water therefrom on such occasions without paying such corporation any price therefore; *Provided* that every such Town shall be holden to secure such Conductors so by them placed, in such manner that water cannot be drawn therefrom unless by the orders of the Selectmen or Firewards of the town wherein the same may be placed.

Proviso.

When an aque-
duct enters
more than one
county, a
justice in either
may issue
warrant.

SECT. 12TH. *Be it further enacted*, That when any such Aqueduct shall be, or proposed to be placed so as to extend into several Counties, application may be made to & a warrant issued by a Justice of the Peace of either of such Counties, in the manner, for the purpose, & with the effect provided & enacted in the first Section of this Act.

Approved February 21, 1799.

1798. — Chapter 60.

[January Session, ch. 27.]

AN ACT TO CEDE TO THE UNITED STATES A TRACT OF LAND AT
GAY-HEAD FOR A LIGHT HOUSE.

SEC. I. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That there be and hereby is granted to the United States of America, a tract of Land and the Jurisdiction thereof not exceeding four acres of Land, situated at that part of Martha's Vineyard called Gay-Head, for the purpose of erecting a Light-House on the same: Which quantity of land shall be laid out by the United States at the time of erecting said Light House, and a description thereof in writing entered in the Registry of Deeds in the County wherein the same shall be situated.

Land granted.

For what purpose.

Description to be recorded.

SEC. II. *Provided nevertheless, and be it further Enacted,* That if the said United States shall neglect for the term of four years from the date of this Grant to erect a Light House on some part of the said four Acres, and after the same shall be erected, shall neglect to keep the same in good repair, and a state useful to Navigation, then this grant shall be void. *Provided also,* that this Commonwealth shall retain, and hereby does retain a concurrent Jurisdiction with the said United States in and over the same four acres, so far as that all civil and criminal processes issued under the authority of this Commonwealth, or any Officers thereof, may be executed in any part of the same four acres granted as aforesaid, or in any Building thereon to be erected, in the same way and manner as if the Jurisdiction had not been granted as aforesaid. *And provided further,* that if the said United States shall at any time hereafter make any Compensation to any of the United States for any Cession made for the purposes of this Grant, like Compensation to be made to this Commonwealth by the United States for the present Grant according to its value.

Cession to be void in certain case.

Concurrent jurisdiction retained.

Compensation expected in certain case.

Approved February 22, 1799.

1798. — Chapter 61.

[January Session, ch. 30.]

AN ACT TO INCORPORATE THE INHABITANTS OF THE NORTHERLY PART OF THE TOWN OF WRENTHAM IN THE COUNTY OF NORFOLK INTO A SEPERATE PARISH.

Inhabitants
incorporated.

Corporate
name.

Persons may
join the Con-
gregational
Society.

Persons from
the South Parish
may join the
North.

Members'
estates, where-
ever situated

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same,* that the Inhabitants of the Northerly part of Wrentham in the County of Norfolk, excepting as is herein after excepted, with their polls and estates, north of a line drawn as follows, vizt: Begining at Walpole line one hundred and fifty rods north of the Dedham Rock so called, from thence runing Twenty rods south of the house of Deacon Jacob Pond, from thence twenty rods south of the house of Charles Dupee junr. from thence fifty Rods North of the house of Benjamin Ware, from thence the same course to Franklin, be & they are hereby incorporated into a sepeate parish by the name of the North Parish in Wrentham, with all the powers, privileges, & immunities which other Parishes are entitled to, by the Constitution & Laws of this Commonwealth.

SECT. 2D. *And be it further enacted by the authority aforesaid* that the Inhabitants living North of the aforesaid line who have heretofore, and are now considered as congregating at the Center meeting house, in said Wrentham, with their heirs & assigns, and who shall choose to belong to the Congregational Society, convening at the Center-meeting house, and shall subscribe to the fund which is for the benefit of the Congregational Society in Wrentham, within three months after the passing of this Act, shall be exempted from Taxation in said North Parish.

SECT. 3D. *And be it further enacted by the authority aforesaid,* that the Inhabitants living south of the aforesaid line and who are now considered as congregating at the North-Meeting-house, & wish to belong to the aforesaid North Parish, shall be entitled to all Parochial powers, privileges, and immunities, and shall be equally subject to taxation, as those who live in the said North Parish: *provided* they shall give in their names to the Clerk of the said North Parish within three months from the passing of this Act.

SECT. 4TH. *Be it further enacted,* that at the expiration of Six months from the passing of this Act the real

estates of the members of each Society, on which side soever of said line the same may be situated shall appertain to the Society to which the owner shall then belong, and shall remain liable to taxation for ministerial & parochial purposes in said Society forever.

in Wrentham, to be taxed for ministerial purposes.

SECT. 5TH. *And be it further Enacted*, that nothing in this Act shall be construed to affect the rights of property of any society or Individual within the Town of Wrentham, or any arrears, or just debts which have become due previous to this incorporation.

Rights of property not to be affected.

SECT. 6TH. *And be it further enacted by the authority aforesaid* that any Justice of the Peace in the County of Norfolk, upon application made to him in writing, by two or more of the Inhabitants of said North Parish be & hereby is authorized to issue his warrant, directed to some suitable Inhabitant within the said North Parish, requiring him to warn the Inhabitants thereof, qualified by law to vote in Parish affairs, to meet at some convenient time & place, to choose such Officers, as Parishes are empowered to choose in the Months of March or April annually, & to transact all matters & things, necessary & lawful to be done in the said Parish. *Approved February 26, 1799.*

Justices of Peace to issue warrants for meetings.

1798. — Chapter 62.

[January Session, ch. 29.]

AN ACT PROVIDING FOR THE SAFE KEEPING THE RECORDS OF THE SEVERAL NOTARIES PUBLIC IN THIS COMMONWEALTH.

SEC. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That on the death, resignation or removal from office of any Notary Public within this Commonwealth, the Records of the said Notary Public, together with all the papers relating to the business of the Office, shall be deposited in the Office of the Clerk of the Court of Common Pleas for the same County in which the said Notary Public resided. And any Notary Public, who, on his resignation or removal from Office, shall neglect to deposit such Records & Papers in the Clerk's Office as aforesaid, for the space of three months, shall forfeit and pay a sum not less than Fifty Dollars, nor more than Five hundred Dollars. And if any Executor or Administrator of any deceased Notary Public, shall neglect to lodge said Records or Papers as aforesaid, which

Disposal of records in case of death, resignation or removal.

Penalties.

shall come into his hands, in the Clerk's Office for the space of three months after his acceptance of that trust, he shall forfeit and pay a sum not less than Fifty Dollars, nor more than Five hundred Dollars. And if any person shall knowingly destroy, deface or conceal any Records or Papers of any Notary Public, he shall forfeit & pay a sum not less than Two hundred Dollars, nor more than One thousand Dollars, & shall be moreover liable to an Action for damages by the party injured.

SEC. II. *And be it further Enacted by the Authority aforesaid*, That it shall be the duty of the several Clerks of the Courts of Common Pleas directed, to receive and safe keep all the Records and Papers directed by this Act to be deposited in their Offices, and give attested copies of any of said Records or Papers, when required; for which service each clerk shall be allowed the same fees as are or may be allowed by Law to Notaries Public. And copies so given by the said Clerks, are hereby declared to be as valid, as if the same had been given by the said Notaries. And all forfeitures under this Act, shall be one half to the Commonwealth, the other half to him or them who shall sue for the same, to be recovered in an Action of Debt in the County where such Notary Public resided.

Approved February 26, 1799.

1798. — Chapter 63.

[January Session, ch. 23.]

AN ACT TO INCORPORATE A SOCIETY BY THE NAME OF THE ROXBURY CHARITABLE SOCIETY.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same*, That the Honorable John Lowell, esquire, Mr. William Lambert, Reverend Eliphalet Porter, Honorable John Read esquire, Nathaniel Ruggles Esqr. Deacon Joshua Felton & Mr. John Williams with such others as have associated themselves for this purpose be & they hereby are constituted a Society and Body Politic & Corporate by the name of the Roxbury Charitable Society, & that they and their Successors & such other Persons as shall be legally elected by them shall be & continue a Body Politic & Corporate by that name forever.

SECTION 2D. *And be it further enacted by the Authority aforesaid*, That the Members of said Society shall have power to elect a President & all other necessary officers,

Clerks of Courts
of Common
Pleas directed.

Fees allowed.

Appropriation
of fines.

Persons
incorporated.

Corporate
name.

To choose a
President —
have a Seal,
&c.

& that the said Society shall have a common seal & the same may break, change & renew at pleasure; & that the said Society, by the name aforesaid, may sue & be sued, prosecute & defend Suits to final judgment & execution.

SECTION 3D. *And be it further enacted* that the said Society may make all proper & necessary orders & by-Laws for the Government of it's Members & Property not repugnant to the Laws of this Commonwealth.

May make orders and by-Laws.

SECTION 4TH. *And be it further enacted*, that the said Society shall have power to make & establish rules for the Election of it's Members & Officers & for the times & places of holding meetings, & the same at pleasure to change, & shall be capable to hold real & personal estate by gift, grant, devise or otherwise, & the same to sell, alien & convey; *Provided however*, that the real estate which said Society shall hold shall never exceed the value of Twenty thousand dollars & that the personal property thereof shall not exceed the sum or value of Thirty Thousand Dollars.

May regulate their elections, assign meetings, hold estate, &c.

SECTION 5TH. *And be it further enacted* that the Honorable John Read esqr. be & he hereby is authorized & empowered to warn the first meeting of said Society at such time & place as he shall think proper.

First meeting.

Approved February 26, 1799.

1798. — Chapter 64.

[January Session, ch. 32.]

AN ACT SPECIFYING THE EVIDENCE TO ACCOMPANY ACCOUNTS EXHIBITED FOR THE SUPPORT OF THE POOR OF THE COMMONWEALTH.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court Assembled, And by the Authority of the same*, That the Selectmen or Overseers of the poor in the several Towns & districts within this Commonwealth when they shall make Application to the General Court for payment of any expences which may have accrued for supporting any poor person, shall be required to make and exhibit a Certificate, setting forth the place from whence such person came, the time of his or her coming into this Commonwealth, and where he or she shall have resided subsequent to his or her coming into the same, and that he or she has not gained a Settlement in any Town or district within the Commonwealth in any of the ways pointed out in An Act, passed

What is to be certified.

February Eleventh, in the year of our Lord seventeen hundred and Ninety four, specifying what shall constitute a legal settlement. And also that he or she has no kindred within the Commonwealth by law obliged to support him or her; And in case such person came into this Commonwealth before the tenth day of April, in the year of our Lord seventeen hundred and sixty six; whether he or she was warned according to law to depart from the Town or district wherein he or She resided? And if such Application be for payment of expences incurred for the support of a Woman who shall have Married a person not an Inhabitant of this Commonwealth, or for the child of such woman, then the said Selectmen or Overseers shall be required to certify that such woman or child has no legal Settlement in any place in this Commonwealth, According to the existing laws for determining questions of habitation; in all which certificates the said Selectmen or Overseers shall certify that they make the same on the best evidence they can obtain.

Resolve
repealed.

SECT. 2D. *Be it further Enacted*, That a Resolve passed the twenty ninth day of February, in the year of our Lord One thousand seven hundred & ninety six, establishing the evidence to accompany Accounts exhibited for the support of the state poor, be and hereby is repealed.

Approved February 26, 1799.

1798. — Chapter 65.

[January Session, ch. 33.]

AN ACT TO SET OFF A TRACT OF LAND FROM THE TOWNS OF ATHOL AND GERRY, AND TO ANNEX THE SAME TO THE TOWN OF ROYALSTON.

Be it Enacted by the Senute and House of Representatives in General Court assembled and by the authority of the same, That a Tract of Land bounded as followeth, vizt. Beginning on Royalston line at a heap of stones, thence runing South Fifty three degrees thirty minutes West sixteen rods and sixteen links to a heap of stones, by a large White Pine stump on the bank of Miller's River—thence running South, crossing said River into the Town of Gerry, nine rods & nineteen links to a large stone with a hole drilled in the top; thence South seventy degrees East three rods to a heap of stones on the bank of said River—thence North four rods and nineteen links

Boundaries.

to the middle of said River, being the line between Athol and Gerry; — thence up the middle of said River to Royalston line; thence North five degrees West seventeen rods to the bounds first mentioned, he and hereby is set off from the Towns of Athol and Gerry and annexed to the Town of Royalston. *Approved February 26, 1799.*

Annexed to
Royalston.

1798. — Chapter 66.

[January Session, ch. 31.]

AN ACT TO CONTINUE IN FORCE AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND, SEVEN HUNDRED AND NINETY SIX, ENTITLED "AN ACT ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS AND OTHER PERSONS HEREAFTER MENTIONED, AND FOR REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE."

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That the said Act be, and hereby is continued in force until the last day of August, in the year of our Lord one thousand and eight hundred, any thing in any Act to the contrary notwithstanding.

Approved February 26, 1799.

1798. — Chapter 67.

[January Session, ch. 40.]

AN ACT FOR REGULATING THE MANUFACTURE AND SALE OF BREAD.

Whereas it is expedient that so necessary an article of consumption as Bread should be so far regulated, that the citizens of this Commonwealth might not be exposed to fraud as to the weight of bread; & as it is highly reasonable that bread, like every other article of commerce or manufacture, should be sold by some common standard, easily discernable by the purchaser:

Preamble.

SECTION 1. *Be it enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same, That from & after the first day of April next, all soft bread, whether baked in loaves or biscuit, which shall be exposed to sale by any baker, or other person, shall be sold by weight.*

To be sold by
weight.

SECT. 2D. *Be it further enacted by the authority aforesaid, That all soft biscuit, which shall hereafter be offered for sale, shall weigh four or eight ounces, & be marked*

Biscuit.

- Loaves.** with the maker's name; and all loaves of soft bread, shall be of some one of the following weights, viz: *one pound, two, three, or four pounds* & if any baker, or other person, shall offer or expose to sale, any soft bread, or biscuit, which shall not severally conform to one of the weights before mentioned, every such person so offending shall forfeit & pay the sum of ten Dollars, to be recovered by action of debt before any Justice of the Peace, within & for the County where such offence shall happen, by any person who shall sue for the same, together with legal cost; one half of the penalty aforesaid to be to his own use, & the other half to the use of the poor of the town where such baker resides.
- Penalty.**
- Former laws repealed.** SECT. 3. *And be it further enacted*, That all laws heretofore made for regulating the assize of bread, be, and hereby are repealed, from & after the first day of April aforesaid; excepting so far as relates to the recovery of any forfeiture, fine, or penalty incurred, or which may be incurred, previous to that time by a breach of any of said laws.
- Act limited.** SECT. 4TH. *Be it further enacted*, That this Act shall continue & be in force two years from & after the said first day of April next. *Approved February 26, 1799.*

1798. — Chapter 68.

[January Session, ch. 34.]

AN ACT TO CONFIRM THE SALES BY THE SOUTH PARISH IN SCITUATE IN THE COUNTY OF PLYMOUTH OF CERTAIN LANDS GIVEN FOR THE USE OF THE MINISTRY IN SAID PARISH, AND TO INCORPORATE CERTAIN PERSONS AS TRUSTEES TO MANAGE THE FUNDS RAISED BY SAID SALES FOR THE PERMANENT SUPPORT OF THE GOSPEL MINISTRY IN SAID PARISH.

Preamble.

Whereas the Inhabitants of the South Parish in Scituate aforesaid, by agreement with and consent of the Reverend David Barnes their present Minister, sold and conveyed their Parsonage Lands, given as aforesaid for the purpose of raising a Fund for the support of their present Minister and his Successors as Gospel Ministers, legally settled by said Parish in succession forever; the proceeds from the said sales having been loaned to the Public, and raised a Fund of Seven thousand, three hundred & forty seven Dollars and thirty three cents, and said Parish having appropriated the annual Interest of the said Fund for the purpose aforesaid, & having petitioned the Legislature for

an Act to confirm the said Sales, and to incorporate certain persons for the due management of said Fund:

SEC. I. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same,* That the said Sales be and are hereby confirmed, & that Elijah Turner, Elisha James, Charles Turner junr. Samuel Tolman and Joshua Jacobs all of said Scituate, be and they are hereby appointed and incorporated Trustees for the due management of the said Fund, to receive and hold the whole of the Monies and Securities appropriated as aforesaid, to the amount of Seven thousand, three hundred & forty seven Dollars and thirty three Cents, in trust for the use and benefit of said Parish & the permanent support of a Gospel Minister, and shall constitute a body Politic & Corporate to have perpetual Succession, for the due & faithful management of said Trust, and shall be vested with all powers incident to Corporations, necessary or requisite for that purpose.

Sale confirmed.

Trustees appointed.

SEC. II. *Be it further Enacted* that the Trustees before mentioned & their Successors in Office be & hereby are vested with sufficient power to receive all such Securities & monies as are now in the hands of the Treasurer of said Parish or any other person, or that may be made, given or subscribed to the use aforesaid: *Provided* the same do not exceed Eight Thousand Dollars in the whole, & continue or place the same at Interest on good security at their Discretion, & apply the whole or so much as may be necessary, of the interest arising therefrom to pay the salary of such Minister as aforesaid, as the majority of the Church & Congregation in said Parish have or may settle; But not in any case to lessen or make use of any part of the principal; And in case the whole of the said annual Income & Interest should be more than sufficient to pay the Salary as aforesaid, then the surplus shall be appropriated to pay other necessary charges of said Parish, as said Parish may from time to time order & direct. And if it shall so happen that said Trustees shall become seized of Lands or Tenements by levying Executions for the discharge of Debts due to said Trustees or Parish, or as security for the payment of Debts due to said Corporation, and the Fee thereof shall in due course of law be vested in them, it shall be lawful for the said Trustees for the time being, to make and execute good & well authenticated Warrantee Deeds of the same. *Provided* the Sale

Fund limited.

Interest appropriated to support a minister.

Case of possession of lands.

thereof be concluded on at any Legal Meeting of said Parish.

Trustees to
make an annual
statement.

SEC. III. *Be it further Enacted* That said Trustees shall make annual Return in writing of their proceedings & disbursements, and lay the same before said Parish at their annual Meeting in March or April for their inspection.

Vacancy among
the trustees,
how to be
supplied.

SEC. IV. *Be it further Enacted* that when any vacancy happens among the said Trustees or their Successors, either by death resignation or removal, the said South Parish at any Parish Meeting legally warned for that purpose, shall fill up said Vacancy within three Months after it shall happen; and if the said Parish neglect so to do within that time, then the said Trustees by a major Vote shall have power to fill up such Vacancy.

Approved February 26, 1799.

1798. — Chapter 69.

[January Session, ch. 35.]

AN ACT TO SET OFF PART OF THE TOWN OF DIGHTON IN THE COUNTY OF BRISTOL, AND TO ANNEX THE SAME TO THE TOWN OF BERKLEY IN SAID COUNTY.

Boundaries.

Set off from
Dighton and
annexed to
Berkley.

Proviso.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same*, that all the Lands called Assonet Neck, lying within the following Bounds, now belonging to the Town of Dighton in the County of Bristol, to wit. Beginning at the head of a Cove called Smith's Cove, a bound between the said Towns of Dighton and Berkley, and running Southwesterly by said Cove on the line between the Towns aforesaid to the Great River; then running down Stream by said River till it comes to Assonet River; then up Stream on Assonet River, till it comes to the line of the Town of Freetown; then running North-easterly on said Freetown line, till it comes to the line of said Town of Berkley; then Northwesterly on said Berkley line to the place of beginning, at the head of the Cove, with the Inhabitants thereon be, and the same are hereby set off from said Town of Dighton and annexed to said Town of Berkley. *Provided* that the Inhabitants living on said Tract of Land, shall be holden to pay their proportion of all legal Taxes which have been assessed, ordered or voted to be laid on said Dighton by the Inhab-

itants thereof, or by the General Court, in the same manner as though this Act had never passed.

SECT. 2. *Be it further Enacted*, that the Inhabitants set off as aforesaid, shall be holden to support Phyllis Ware, a Negro Woman, one of the Poor of said Town of Dighton, from & after the fourteenth day of April next, for their proportion of the Poor of said Town of Dighton.

Phyllis Ware to be supported.

SECT. 3. *And be it further Enacted*, That in all State Taxes which shall hereafter be granted by the General Court of this Commonwealth, until a new Valuation shall be settled, One eighth part of the Taxes which would have been set to the Town of Dighton according to the last Valuation, shall be taken therefrom and set to the said Town of Berkley.

Berkley's proportion of taxes.

*February 26, 1799.**

1798. — Chapter 70.

[January Session, ch. 36.]

AN ACT ALTERING THE NAME OF WILLIAM ROBERTS TO WILLIAM LEATE ROBERTS.

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, That from and after the passing of this Act, William Roberts of Boston in the County of Suffolk, son of John White Roberts late of said Boston deceased, be and hereby is authorized & empowered to take, use and bear the Name of William Leate Roberts, and by that name to be hereafter known and called in all Processes & Records whatsoever.

Change of name.

*February 26, 1799.**

1798. — Chapter 71.

[January Session, ch. 37.]

AN ACT FOR ESTABLISHING AN ACADEMY IN THE SOUTH PRECINCT OF BRIDGEWATER BY THE NAME OF BRIDGEWATER ACADEMY.

Whereas the Revd. Zedekiah Sanger and others have subscribed the Sum of three thousand dollars for the purpose of erecting and supporting an Academy in the South Precinct of Bridgewater in the County of Plymouth, and it appears, that said Precinct is a suitable place for such an institution.

Preamble.

* Date of approval not given.

Trustees.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same* that there be & hereby is established in the South Precinct of Bridgewater in the County of Plymouth, an Academy by the name of Bridgewater Academy for the purpose of promoting piety, religion & morality and for the education of youth in such languages & in such of the liberal arts & sciences as the Trustees hereinafter named shall direct, and that the Revd. Zedekiah Sanger, the Revd. Gad Hitchcock, the Revd. Joseph Barker, the Revd. Samuel Niles, the Revd. Ephraim Briggs, the Honble. William Sever, the Honble. Nathan Cushing, the Honble. George Partridge, the Honble. Joshua Thomas, the Honble. Isaac Thompson, the Honble. Beza Hayward, the Honble. Ephraim Spooner, The Honble. Daniel Howard, Abraham Holmes, Elisha Ruggles, Noah Fearing, Kilborn Whitman, Daniel Howard Junr. John Nelson, Benjamin Whitman, Elijah Bisbee, Nehemiah Cobb, Charles Turner, Nehemiah Bennett, and Nahum Mitchell Esquires, Doctr. Isaac Winslow, & Mr. William Davis, be & hereby are incorporated into a body politic by the name of the Trustees of Bridgewater Academy, & that they & their successors shall be and continue a body politic & corporate by the same name forever.

Corporate name.

May hold estates.

SECT. 2D. *Be it further enacted*, That all the monies, lands, or other property and things already subscribed and given, or which shall be hereafter given, granted, devised, bequeathed, transferred or assigned to the said Trustees for the purposes aforesaid or either of them shall be confirmed to the said Trustees and their successors in that trust forever; And that the said Trustees may have and hold in fee simple by gift, grant, devise, bequest or otherwise any or all lands, tenements hereditaments and other estate real or personal, provided the annual income thereof shall not exceed the sum of five thousand Dollars, and may sell and dispose of the same & apply the rents, issues, & profits thereof in such manner as the end & design of the said institution in their discretion may require.

Trustees may appoint officers.

— remove a trustee.

SECT. 3D. *Be it further enacted* that the said Trustees shall have power from time to time to elect such officers of the said Academy as they shall judge necessary & to fix the tenures of their respective Offices; to remove any trustee from the Corporation, when in their opinion he

shall be incapable by reason of Age or otherwise of discharging the duties of his Office ; to fill all vacancies in said Corporation ; to determine the time & places of the meetings of said Corporation, the manner of notifying, & the method of electing & removing Trustees ; to elect, & prescribe the powers & duties of, the Officers of said Corporation, & also prescribe the powers & duties of the Preceptor, teachers, & all other Officers of the Academy ; and to make & ordain reasonable rules, orders & bye-laws, not repugnant to the laws of this Commonwealth with reasonable penalties, for the good Government of said Academy.

May elect officers, etc.

SECT. 4TH. *Be it further enacted*, that the said Trustees may have a common seal, which they, at pleasure, may break, alter & renew ; & that all deeds signed & sealed with such seal delivered & acknowledged by the Secretary of said Corporation by Order of the said Trustees shall be good & valid in law ; & that the said Trustees may sue & be sued in all actions real personal & mixed and prosecute and defend the same to final Judgment & execution by the said name of incorporation.

May have a seal.

May sue and be sued.

SECT. 5TH. *Be it further enacted* that the number of the Trustees of said Academy shall not, at any one time exceed the number herein incorporated as aforesaid nor be less than fifteen ; eight of whom shall constitute a quorum for doing business.

Number of Trustees limited.

SECT. 6. *Be it further enacted* that there be & hereby is granted to said Trustees & to their successors for the purposes aforesaid one half a Township of Six miles square of the unappropriated lands belonging to this Commonwealth in the District of Maine excepting the Townships on Penobscot River to be laid out & assigned to them by the Committee for the Sale of Eastern lands, under the restrictions & reservations made in similar grants.

Land granted.

SECT. 7TH. *And be it further enacted* that the Honble. Beza Hayward Esq. be & hereby is authorised to fix the time & place for holding the first meeting of said Trustees & to notify them thereof.

First meeting.

Approved February 26, 1799.

1798. — Chapter 72.

[January Session, ch. 39.]

AN ACT TO ANNEX THE TOWNSHIP NUMBER FOUR, IN THE FIRST RANGE, NORTH OF THE WALDO PATENT, TO THE COUNTY OF KENNEBECK.

Whereas the said Township now lies partly in the County of Kennebeck and partly in the County of Hancock, and many inconveniences may arise therefrom —

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Township Number four, in the first Range, North of the Waldo Patent be, and hereby is, annexed to the County of Kennebeck.

Approved February 28, 1799.

1798. — Chapter 73.

[January Session, ch. 38.]

AN ACT TO PROHIBIT THE TAKING OF STONES, GRAVEL OR SAND FROM THE BEACHES IN THE TOWN OF CHELSEA.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That from and after the passing of this Act, it shall not be lawfull for any person, or persons, to take, carry away, or remove, by Land, or by Water, any Stones, Gravel, or Sand, from any of the Beaches, or Shores in the said Town of Chelsea, excepting that part of the Beach, which is included between the Point of Pines so called, and a Cedar Post standing on the Beach about three hundred and fifty Rods south west from said Point of Pines.*

Removal of
stones, &c
prohibited.

Exception.

Penalty.

SECT. 2. *And be it further Enacted by the Authority aforesaid, That any person or persons, who, contrary to the intent of this Act, shall take, carry away or remove any Stones, Gravel, or Sand from any of the Beaches, or Shores in said Town of Chelsea, excepting the portion of Beach between the Point of Pines, and the Post aforesaid, shall forfeit and pay two dollars for each and every Ton of Stones, Gravel, or Sand, so taken, and carried away, and in proportion for a greater or lesser quantity, one moiety of said penalty to the use of the Prosecutor; and the other moiety to the use of said Town, to be recovered by action of debt in any Court proper to try the same.*

Approved February 28, 1799.

1798. — Chapter 74.

[January Session, ch. 41.]

AN ACT TO SETT OFF PART OF THE TOWN OF WOBURN IN THE COUNTY OF MIDDLESEX AND TO INCORPORATE IT INTO A TOWN BY THE NAME OF BURLINGTON.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same, that the Northwesterly part of the Town of Woburn, Boundaries. comprehending a part of the two Parishes in said Town contained within the following described line ; Viz ; beginning at the most southwardly angle of the Town of Wilmington at a stake and heap of stones near Cold Spring bridge, so called, from thence running south about two degrees west about three hundred and ninety rods to a white oak tree marked at the south East Corner of Isaac Marion's birch pasture, so called, from thence south nine degrees thirty minutes west, one hundred and seventy rods to a heap of stones at the southwest corner of Land, which Deacon Timothy Winn now owns, purchased of Jonathan Wyman's heires, from thence south sixty six degrees west thirty four rods and seven tenths crossing a road to a heap of Stones at the northeast corner of a Yard, north of Joseph Winn's barn, thence south fourteen degrees thirty minutes east, sixty five rods and five tenths to a wall in said Joseph Winn's Land, thence south, seventy six degrees west two hundred and twenty rods to a heap of stones at the south west corner of Josiah Walker's field thence south eight degrees thirty minutes east five rods fifteen links to the southeast corner of Ezra Wyman's land, thence south fifty degrees west thirty eight rods on said Wyman's Land to a bend in a Stone Wall, thence south seventy eight degrees thirty minutes west twenty nine rods by said Wyman's Land to a stone wall, thence south sixty seven degrees west thirty two rods to the County Road in front of said Wyman's dwelling house, thence the same course untill it intersects the present established line between the two Parishes in said Woburn, supposed to be about eight rods, thence on said established line four hundred and nine rods to Lexington line, thence all other ways, as the said second Parish is bounded by the Towns of Lexington, Bedford, Billerica and Wilmington, until it comes to the first mentioned bounds, together with the inhabitants thereon be and they hereby are incorporated Incorporated.

into a Town, by the Name of Burlington, and the said Town is hereby invested with all the powers, priviledges and immunities, which other Towns in this Commonwealth do or may enjoy.

Taxes.
Debts.

And be it further Enacted by the authority aforesaid, that the inhabitants of the said Town of Burlington shall pay all the arrears of Taxes, which have been assessed upon them by the Town of Woburn: And the Inhabitants of said Town of Burlington shall pay their proportion of all debts now due from the Town of Woburn and shall be intituled to receive their proportion of all debts and monies now due to said Town of Woburn, and also their proportionable part of all other property of the said Town of Woburn of what kind, or description soever, and also shall take and support their proportionable part of the paupers, that now belong to the said Town of Woburn.

Property.

Paupers.

Roads.

And be it further Enacted by the authority aforesaid, that the County Roads now laid out within the said Towns of Woburn and Burlington, and not opened shall be divided into equal proportions agreeable to the last valuation; and said Towns of Woburn and Burlington shall at their own expence, open, clear out, bridge, caus[e]way, and put in good passable repair for teams and Carriages their said proportion of the said Roads within the time limited by the Court of General sessions of the Peace for the County of Middlesex; and in case of any disagreement between the said Towns of Woburn and Burlington with respect to the division of said Roads, the said Court of General Sessions of the Peace for said County may on application from either party, make or order such division: *Provided however,* that when the said Roads shall be put in repair as aforesaid the said Towns of Woburn and Burlington shall maintain, and keep in repair the Roads lying within their respective Boundaries.

Valuation.

And be it further Enacted by the authority aforesaid, that until a new General Valuation is taken, the State Taxes, which may be called for from said Towns of Woburn and Burlington shall be levied in such proportions as shall be agreed on by the Inhabitants of the said Towns; and if the said Towns shall not agree, then unless one of the said Towns shall exhibit to the General Court evidence, that the proportion ought to be otherwise established, the proportion of the said Town of Burlington shall be at the rate of one third of the Sum which by

the last valuation is set to the whole of the said town of Woburn.

And be it further Enacted, that John Walker Esq. be ^{Officers.} and hereby is authorized and directed to issue his warrant directed to some principal Inhabitant of said Town of Burlington, requiring him to warn and give notice to the Inhabitants of said Town to meet at some suitable time and place in the said Town to choose all such officers as Towns are required by law to chuse at their meeting in March or April annually. *Approved February 28, 1799.*

1798. — Chapter 75.*

[January Session.]

AN ACT TO APPORTION & ASSESS A TAX OF ONE HUNDRED & THIRTY THREE THOUSAND FOUR HUNDRED & THIRTY FIVE DOLLARS & THIRTEEN CENTS — & PROVIDING FOR THE RE-IMBURSEMENT OF TWENTY ONE THOUSAND FOUR HUNDRED & THIRTY EIGHT DOLLARS PAID OUT OF THE PUBLIC TREASURY TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR ATTENDANCE THE TWO LAST SESSIONS OF THE GENERAL COURT.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same*, That each Town, District, Plantation & other place herein after named within this Commonwealth, shall be assessed & pay the several sums with which they stand respectively charged in the following Schedule vizt.

* Not printed in session pamphlet.

COUNTY OF SUFFOLK.

TOWNS.	Representatives' Pay.	Proportion of \$133,435 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
BOSTON	986 0	12344 58	Thirteen thousand two hundred & thirty Dollars & fifty eight cents .
Hingham	124 0	633 61	Seven hundred & fifty seven Dollars & sixty one cents
Chilsea		253 89	Two hundred & fifty three Dollars & eighty nine cents
Hull		45 0	Forty five Dollars
	1110 0	13177 8	Fourteen thousand two hundred & eighty seven Dollars & eight cents .
			14287 8

COUNTY OF ESSEX.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Salem	258 0	3121 67	Three thousand three hundred & seventy nine Dollars & sixty seven cents
Newbury Port	170 0	2361 67	Two thousand five hundred & thirty one Dollars & sixty seven cents .
Newbury	158 0	1240 83	One thousand three hundred & ninety eight Dollars & eighty three cents .
Ipswich	60 0	1087 0	One thousand one hundred & forty seven Dollars
Andover	110 0	1063 62	One thousand one hundred & seventy three Dollars & sixty two cents
Marblehead	54 0	1041 80	One thousand & ninety five Dollars & eighty cents
Beverly	132 0	1027 78	One thousand one hundred & fifty nine Dollars & seventy eight cents
Gloucester	110 0	1005 56	One thousand one hundred & fifteen Dollars & fifty six cents
Danvers	166 0	755 0	Nine hundred & twenty one Dollars
Haverhill	144 0	633 61	Seven hundred & ninety seven Dollars & sixty one cents
Roxbury	132 0	577 50	Seven hundred & ninety seven Dollars & fifty cents
Lynn	112 22	518 61	Six hundred & thirty Dollars & eighty three cents
Lynnfield	31 78	146 94	One hundred & seventy eight Dollars & seventy two cents
Saltbury	116 0	511 39	Six hundred & twenty seven Dollars & thirty nine cents
Bradford	112 0	468 33	Five hundred & eighty Dollars & thirty nine cents
Amesbury	122 0	433 61	Five hundred & fifty five Dollars & sixty one cents
Methuen	30 0	371 94	Four hundred & one Dollars & ninety four cents

Boxford	.	.	.	106 0	338 6	Four hundred & forty four Dollars & six cents	444 6
Topsfield	.	.	.	.	298 89	Two hundred & ninety eight Dollars & eighty nine cents	298 89
Hamilton	.	.	.	.	247 16	Two hundred & forty seven Dollars & sixteen cents	247 16
Middleton	.	.	.	.	217 50	Two hundred & seventeen Dollars & fifty cents	217 50
Manchester	.	.	.	.	181 11	One hundred & eighty one Dollars & eleven cents	181 11
Wenham	.	.	.	.	150 0	One hundred & fifty Dollars	150 0
				2124 0	17819 58	Nineteen thousand nine hundred & forty three Dollars & fifty eight cents	19943 58

COUNTY OF MIDDLESEX.

	Dolls. Cts.		Dolls. Cts.		Dolls. Cts.		Dolls. Cts.
Cambridge	.	.	.	1034 72	One thousand one hundred & eighty Dollars & seventy two cents	.	1180 72
Charlestown	.	.	.	737 78	Eight hundred & sixty five Dollars & seventy eight cents	.	865 78
Marlborough	.	.	.	573 33	Seven hundred & forty three Dollars & thirty three cents	.	743 33
Reading	.	.	.	507 22	Six hundred & fifty five Dollars & twenty two cents	.	655 22
Concord	.	.	.	503 33	Six hundred & fifty five Dollars & thirty three cents	.	655 33
Woburn	.	.	.	502 50	Six hundred & sixty two Dollars & fifty cents	.	562 50
Frammingham	.	.	.	496 53	Six hundred & fifty two Dollars & fifty three cents	.	652 53
Groton	.	.	.	488 33	Four hundred & eighty eight Dollars & thirty three cents	.	488 33
Newton	.	.	.	463 61	Five hundred & eighty one Dollars & sixty one cents	.	581 61
Watertown	.	.	.	427 22	Five hundred & eighty seven Dollars & twenty two cents	.	587 22
Billerica	.	.	.	401 11	Four hundred & forty seven Dollars & eleven cents	.	447 11
Waltham	.	.	.	393 89	Four hundred & thirty seven Dollars & eighty nine cents	.	537 89
Chelmsford	.	.	.	392 22	Five hundred & twenty eight Dollars & twenty two cents	.	528 22
Medford	.	.	.	382 78	Four hundred & eighty six Dollars & seventy eight cents	.	486 78
Weston	.	.	.	381 11	Five hundred & five Dollars & eleven cents	.	505 11
Westford	.	.	.	365 0	Five hundred & fifty seven Dollars	.	557 0
Sudbury	.	.	.	350 83	Four hundred & thirty six Dollars & eighty three cents	.	436 83
Lexington	.	.	.	342 78	Four hundred & sixty eight Dollars & seventy eight cents	.	468 78
Hopkinton	.	.	.	335 0	Four hundred & ninety three Dollars	.	493 0
Holliston	.	.	.	320 0	Three hundred & ninety eight Dollars	.	398 0
Malden	.	.	.	307 64	Four hundred & forty five Dollars & sixty four cents	.	445 64
Paperrell	.	.	.	295 56	Three hundred & eighty five Dollars & fifty six cents	.	385 56

COUNTY OF MIDDLESEX — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$33,455 13	Total.
<i>Dracut</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>East Sudbury</i>	100 0	290 56	390 56
<i>Sherburne</i>	88 0	277 50	365 50
<i>Littleton</i>	58 0	269 44	269 44
<i>Tewkesbury</i>	90 0	255 56	313 56
<i>Stow</i>	53 31	245 56	335 56
<i>Boxboro'</i>	24 69	111 39	293 87
<i>Townsend</i>	44 0	231 11	136 8
<i>Acton</i>	48 29	228 6	275 11
<i>Carlisle</i>	37 71	178 33	276 35
<i>Lincoln</i>	92 0	227 22	216 4
<i>Bedford</i>		225 0	225 0
<i>Ashby</i>		213 33	213 33
<i>Wilmington</i>		188 33	188 33
<i>Natick</i>		181 11	181 11
<i>Tyngsboro'</i>		164 45	164 45
<i>Danstable</i>		156 11	156 11
<i>Shirley</i>		163 33	163 33
<i>Stonham</i>		116 67	116 67
	3306 0	13956 11	17262 11
		Seventeen thousand two hundred & sixty two Dollars & eleven cents	

COUNTY OF HAMPSHIRE.

TOWNS.	Representatives' Pay.	Proportion of \$33,455 13	Total.
<i>Northampton</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Easthampton</i>	45 6	628 61	673 67
<i>West Springfield</i>	130 0	208 33	223 27
		674 45	801 45
		Six hundred & seventy three Dollars & sixty seven cents	
		Two hundred & twenty three Dollars & twenty seven cents	
		Eight hundred & four Dollars & forty five cents	

Granville	98 0	486 39	Five hundred & eighty four Dollars & thirty nine cents	584 39
Springfield	50 0	483 33	Five hundred & thirty three Dollars & thirty three cents	533 33
Westfield	118 0	473 33	Five hundred & ninety one Dollars & thirty three cents	591 33
Deerfield	38 0	454 17	Four hundred & ninety two Dollars & seventeen cents	492 17
Concord	96 0	452 22	Five hundred & forty eight Dollars & twenty two cents	548 22
Wilmington	46 0	404 3	Four hundred & forty Dollars & three cents	450 3
Greenfield	90 17	295 46	Three hundred & eighty five Dollars & sixty three cents	385 63
Gill	31 83	104 26	One hundred & thirty six Dollars & nine cents	136 9
Brimfield	44 0	383 33	Four hundred & twenty seven Dollars & thirty three cents	427 33
Warwick	77 73	214 17	Two hundred & ninety one Dollars & ninety cents	291 90
Orange	58 27	160 56	Two hundred & eighteen Dollars & eighty three cents	218 83
Amherst	98 0	353 61	Four hundred & fifty one Dollars & sixty one cents	451 61
Blanford	46 0	348 6	Three hundred & ninety four Dollars & six cents	394 6
Belcherton	148 0	336 39	Four hundred & eighty four Dollars & thirty nine cents	484 39
New Salem	122 0	333 6	Four hundred & fifty five Dollars & six cents	455 6
Hadley	102 0	326 11	Four hundred & twenty eight Dollars & eleven cents	428 11
Monson	46 0	317 22	Three hundred & sixty three Dollars & twenty two cents	363 22
Barnardston	31 68	159 72	One hundred & ninety one Dollars & forty cents	191 40
Leyden	28 32	143 33	One hundred & seventy one Dollars & sixty five cents	171 65
Worthington	52 0	302 22	Three hundred & fifty four Dollars & twenty two cents	354 22
Colrairie	112 0	295 83	Four hundred & seven Dollars & eighty three cents	407 83
Hatfield	37 8	295 56	Two hundred & ninety five Dollars & fifty six cents	295 56
Gunnington	18 92	192 22	Two hundred & twenty nine Dollars & thirty cents	229 30
Plainfield	62 0	98 33	One hundred & seventeen Dollars & twenty five cents	117 25
Chesterfield	54 0	274 17	Three hundred & forty Dollars & six cents	340 6
Northfield	42 0	273 33	Three hundred & twenty eight Dollars & seventeen cents	328 17
Ashfield	46 0	253 33	Three hundred & fifteen Dollars & thirty three cents	315 33
Greenwich	32 0	252 22	Two hundred & ninety nine Dollars & thirty three cents	299 33
Shelburne	27 65	161 67	Two hundred & eighty four Dollars & twenty two cents	284 22
South Brimfield	18 35	100 56	One hundred & seventy nine Dollars & thirty two cents	179 32
Holland	60 0	238 20	One hundred & eighty nine Dollars & ninety one cents	118 91
South Hadley	38 0	235 83	Two hundred & thirty eight Dollars & twenty cents	238 20
Pelham	52 0	227 78	Two hundred & ninety five Dollars & eighty three cents	295 83
Long Meadow	38 0	227 78	Two hundred & thirty two Dollars & fifty cents	232 50
South Hampton	52 0	225 83	Two hundred & sixty five Dollars & seventy eight [cents]	265 78
Montague			Two hundred & seventy seven Dollars & eighty three cents	277 83

COUNTY OF HAMPSHIRE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,435 13		Total.
	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Chester</i>	.	220 83	Two hundred & twenty Dollars & eighty three cents	220 83
<i>Palmer</i>	46 0	219 17	Two hundred & sixty five Dollars & seventeen cents	265 17
<i>Williamshburgh</i>	.	208 61	Two hundred & eight Dollars & sixty one cents	208 61
<i>Southwick</i>	46 0	193 33	Two hundred & thirty nine Dollars & thirty three cents	239 33
<i>Granby</i>	.	185 56	One hundred & eighty five Dollars & fifty six cents	185 56
<i>Whately</i>	.	181 67	One hundred & eighty one Dollars & sixty seven cents	181 67
<i>Ware</i>	58 0	164 72	Two hundred & twenty two Dollars & seventy two cents	222 72
<i>Goshen</i>	.	164 17	One hundred & sixty four Dollars & seventeen cents	164 17
<i>West Hampton</i>	78 0	155 0	Two hundred & thirty three Dollars	233 0
<i>Sunderland</i>	.	154 17	One hundred & fifty four Dollars seventeen cents	154 17
<i>Norwich</i>	.	142 50	One hundred & forty two Dollars & fifty cents	142 50
<i>Middlefield</i>	.	137 50	One hundred & thirty seven Dollars & fifty cents	137 50
<i>Shutesbury</i>	44 0	131 11	One hundred & twenty five Dollars & eleven cents	175 11
<i>Leverett</i>	.	129 72	One hundred & twenty nine Dollars & seventy two cents	129 72
<i>Charlemont</i>	.	127 50	One hundred & twenty seven Dollars & fifty cents	127 50
<i>Ludlow</i>	.	126 39	One hundred & twenty six Dollars & thirty nine cents	126 39
<i>Buckland</i>	.	117 50	One hundred & seventeen Dollars & fifty cents	117 50
<i>Wendell</i>	.	113 33	One hundred & thirteen Dollars & thirty three cents	113 33
<i>Hawley</i>	107 22	107 22	One hundred & seven Dollars & twenty two cents	107 22
<i>Montgomery</i>	.	92 78	Ninety two Dollars & seventy eight cents	92 78
<i>Heath</i>	.	90 69	Ninety Dollars & sixty nine cents	90 69
<i>Roxe</i>	.	86 11	Eighty six Dollars & eleven cents	86 11
<i>Russell</i>	.	62 78	Sixty two Dollars & seventy eight cents	62 78
	2484 0	14980 14	Seventeen thousand four hundred & sixty four Dollars & fourteen cents	17464 14

COUNTY OF PLYMOUTH.

	Dolla.	Cts.	Dolla.	Cts.		Dolla.	Cts.
<i>Bridgewater</i>	164	0	1512	78	One thousand six hundred & seventy six Dollars & seventy eight cents	1676	78
<i>Middleboro'</i>	170	0	1229	41	One thousand three hundred & ninety nine Dollars & forty four cents	1399	41
<i>Situate</i>	148	0	866	66	One thousand & fourteen Dollars & sixty six cents	1014	66
<i>Plymouth</i>	152	0	615	56	Seven hundred & sixty seven Dollars & fifty six cents	767	56
<i>Rochester</i>	98	0	572	22	Six hundred & twenty Dollars & Twenty two cents	670	22
<i>Pembroke</i>	112	0	513	89	Six hundred & twenty five Dollars & eighty nine cents	625	89
<i>Marshfield</i>	86	0	466	39	Five hundred & fifty two Dollars & thirty nine cents	552	39
<i>Abington</i>	144	0	464	58	Six hundred & eight Dollars & fifty eight cents	608	58
<i>Duxboro'</i>	68	0	341	53	Four hundred & nine Dollars & fifty three cents	409	53
<i>Kingston</i>	82	0	288	75	Three hundred & seventy Dollars & seventy five cents	370	75
<i>Hanover</i>	90	0	260	56	Three hundred & fifty Dollars & fifty six cents	350	56
<i>Plimpton</i>			220	97	Two hundred & twenty Dollars & ninety seven cents	220	97
<i>Carver</i>			202	22	Two hundred & two Dollars & twenty two cents	202	22
<i>Halifax</i>			193	61	One hundred & ninety three Dollars & sixty one cents	193	61
<i>Wareham</i>			182	92	One hundred & eighty two Dollars & ninety two cents	182	92
	1314	0	7932	8	Nine thousand two hundred & forty six Dollars & eight cents	9246	8

COUNTY OF BARNSTABLE.

	Dolla.	Cts.	Dolla.	Cts.		Dolla.	Cts.
<i>Barnstable</i>	72	0	548	61	Six hundred & twenty dollars & sixty one cents	620	61
<i>Sandwich</i>	64	0	463	19	Five hundred & twenty seven Dollars & nineteen cents	527	19
<i>Hartwich</i>	112	0	327	78	Four hundred & thirty nine Dollars & seventy eight cents	439	78
<i>Falmouth</i>	30	0	307	78	Three hundred & thirty seven Dollars & seventy eight cents	337	78
<i>Yarmouth</i>	24	0	239	72	Two hundred & sixty three Dollars & seventy two cents	263	72
<i>Dennis</i>	34	0	200	0	Two hundred & thirty four Dollars	234	0
<i>Chatham</i>	24	0	156	39	One hundred and eighty Dollars & thirty nine cents	180	39
<i>Welfleet</i>	26	0	143	75	One hundred & sixty nine Dollars & seventy five cents	169	75

COUNTY OF BARNSTABLE — CONCLUDED.

TOWNS.	Representatives' Pay.		Proportion of \$163,455 13	Total.
	Dolls. Cts.	Dolls. Cts.		
<i>Truro</i> . . . . .	.	.	139 17	Dolls. Cts. 139 17
<i>Orleans</i> . . . . .	.	.	103 94	163 94
<i>Eastham</i> . . . . .	.	.	76 75	76 75
<i>Provincetown</i> . . . . .	.	.	66 11	66 11
	446 0	2773 19		3219 19
			One hundred & thirty nine Dollars & seventeen cents . . . . .	.
			One hundred & sixty three Dollars & ninety four cents . . . . .	.
			Seventy six Dollars & seventy five cents . . . . .	.
			Sixty six Dollars & eleven cents . . . . .	.
			Three thousand two hundred & nineteen Dollars & nineteen cents . . . . .	.

COUNTY OF BRISTOL.

	Representatives' Pay.		Proportion of \$163,455 13	Total.
	Dolls. Cts.	Dolls. Cts.		
<i>Rehoboth</i>	122 0	933 33	828 61	Dolls. Cts. 1055 33
<i>Taunton</i>	154 0	794 45	622 50	982 61
<i>New Bedford</i>	122 0	619 58	551 67	916 45
<i>Dartmouth</i>	164 0	403 34	380 0	786 50
<i>Attleboro'</i>	60 0	334 72	322 8	619 58
<i>Westport</i>	110 0	265 97	260 0	611 67
<i>Freetown</i>	50 0	232 80	195 0	563 34
<i>Norton</i>	20 0	7197 9		453 34
<i>Dighton</i>	96 0			400 0
<i>Swainsey</i>	48 0			430 72
<i>Easton</i>	68 0			390 8
<i>Raynham</i>	16 0			313 97
<i>Somerset</i>				276 0
<i>Mansfield</i>				232 50
<i>Berkley</i>				195 0
	1030 0	7197 9		8227 9
			One Thousand & fifty five Dollars & thirty three cents . . . . .	.
			Nine Hundred & eighty two Dollars & sixty one cents . . . . .	.
			Nine Hundred and sixteen Dollars & forty five cents . . . . .	.
			Seven Hundred and eighty six Dollars & fifty cents . . . . .	.
			Six Hundred and nineteen Dollars & fifty eight cents . . . . .	.
			Six Hundred & eleven Dollars & sixty seven cents . . . . .	.
			Five Hundred & sixty three Dollars & thirty four cents . . . . .	.
			Four hundred & fifty three Dollars & thirty four cents . . . . .	.
			Four Hundred Dollars . . . . .	.
			Four Hundred & thirty Dollars & seventy two cents . . . . .	.
			Three Hundred & ninety Dollars & eight cents . . . . .	.
			Three Hundred & thirteen Dollars & ninety seven cents . . . . .	.
			Two Hundred & seventy six Dollars . . . . .	.
			Two Hundred & thirty two Dollars & fifty cents . . . . .	.
			One Hundred & ninety five Dollars . . . . .	.
			Eight Thousand two hundred & twenty seven Dollars & nine cents . . . . .	.

COUNTY OF DUKES COUNTY.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Chilmark</i>	26 0	326 39	352 39
<i>Edgarton</i>	70 0	211 11	281 11
<i>Tisbury</i>		193 89	193 89
	96 0	731 39	827 39
		Three Hundred & fifty two Dollars & thirty nine cents	
		Two Hundred & eighty one Dollars & eleven cents	
		One Hundred & ninety three Dollars & eighty nine cents	
		Eight Hundred & twenty seven Dollars & thirty nine cents	

COUNTY OF NANTUCKET.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Nantucket</i>	168 0	888 47	1056 47
		One Thousand & fifty six Dollars & forty seven cents	

COUNTY OF WORCESTER.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Brookfield</i>	98 0	889 31	987 31
<i>Worcester</i>	124 0	855 28	979 28
<i>Sutton</i>	122 0	790 14	912 14
<i>Barre</i>	166 0	597 50	763 50
<i>Petersham</i>	60 0	506 67	566 67
<i>Sturbridge</i>	170 0	505 83	675 83
<i>Charlton</i>	62 0	489 30	551 30
<i>Hardwick</i>	50 0	462 8	512 8
<i>Sterling</i>	10 0	443 47	453 47
<i>Princeton</i>	96 0	427 64	523 64
<i>Bolton</i>	107 40	275 69	383 9
<i>Berlin</i>	58 60	150 42	209 2
<i>Lancaster</i>	140 0	422 78	562 78
		Nine Hundred & eighty seven Dollars & thirty one cents	
		Nine hundred & seventy nine Dollars & twenty eight cents	
		Nine Hundred & twelve Dollars & fourteen cents	
		Seven Hundred & sixty three Dollars & fifty cents	
		Five Hundred & sixty six Dollars & sixty seven cents	
		Six Hundred & seventy five Dollars & eighty three cents	
		Five Hundred & fifty one Dollars & thirty cents	
		Five Hundred & twelve Dollars & eight cents	
		Four Hundred & fifty three Dollars & forty seven cents	
		Five Hundred & twenty three Dollars & sixty four cents	
		Three Hundred & eighty three Dollars & nine cents	
		Two Hundred & nine Dollars & two cents	
		Five Hundred & sixty two Dollars & seventy eight cents	

<i>Parson</i>	194 72	One Hundred & ninety four Dollars & seventy two cents	194 72
<i>Asbournham</i>	193 33	One Hundred & ninety three Dollars thirty three cents	193 33
<i>Oakham</i>	223 86	Two Hundred & twenty three Dollars & eighty six cents	223 86
<i>Ward</i>	177 78	One Hundred & seventy seven Dollars & seventy eight cents	177 78
<i>Gardner</i>	151 11	One Hundred & fifty one Dollars & eleven cents	151 11
<i>Northbridge</i>	122 78	One Hundred & twenty two Dollars & seventy eight cents	122 78
	3392 0	Twenty Thousand three hundred & fifty eight Dollars & eleven cents	20358 11

COUNTY OF BERKSHIRE.

	Dolls. Cts.		Dolls. Cts.		Dolls. Cts.
<i>Pittsfield</i>	597 22	Seven Hundred & twenty five dollars & twenty two cents	597 22		
<i>Sheffield</i>	503 75	Five Hundred & thirty nine Dollars & forty eight cents	503 75		
<i>Mount Washington</i>	32 22	Thirty four dollars & forty nine cents	32 22		
<i>Lanesboro'</i>	402 22	Four Hundred & forty dollars & twenty three cents	402 22		
<i>New Ashford</i>	63 33	Sixty nine Dollars & thirty two cents	63 33		
<i>Sandisfield</i>	375 83	Four Hundred & sixty eight Dollars & forty two cents	375 83		
<i>Southfield</i>	30 28	Thirty seven Dollars & sixty nine cents	30 28		
<i>Williamston</i>	423 61	Five Hundred & forty one Dollars & sixty one cents	423 61		
<i>Stockbridge</i>	389 3	Five Hundred & thirty three Dollars & three cents	389 3		
<i>Great Barrington</i>	144 0	Three Hundred & sixty one Dollars & fifty three cents	144 0		
<i>New Marlboro'</i>	361 53	Four Hundred & forty Dollars & fifty cents	361 53		
<i>Richmond</i>	342 50	Four Hundred & sixty Dollars & fourteen cents	342 50		
<i>Tyringham</i>	340 14	Four Hundred & sixty eight Dollars & twenty eight cents	340 14		
<i>Adams</i>	320 28	Three Hundred & eighty four Dollars & forty four cents	320 28		
<i>Lenox</i>	294 44	Three Hundred & eighty one Dollars & thirty three cents	294 44		
<i>Cheshire</i>	293 33	Three Hundred & sixty two Dollars	293 33		
<i>Lee</i>	72 0	Three Hundred & twenty Dollars & forty two cents	72 0		
<i>West Stockbridge</i>	50 0	Three Hundred & twenty Dollars & twenty eight cents	50 0		
<i>Partridgefield</i>	80 0	Two Hundred & sixty three Dollars & fifty five cents	80 0		
<i>Hancock</i>	58 0	One Hundred & ninety Dollars & fifty six cents	58 0		
<i>Egremont</i>	190 56	Two Hundred & twenty four Dollars	190 56		
<i>Becket</i>	44 0	One Hundred & seventy five Dollars & ninety seven cents	44 0		
	180 0		180 0		
	175 97		175 97		

COUNTY OF BERKSHIRE — CONCLUDED.

TOWNS	Representatives' Pay.	Proportion of \$133,435 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Windsor	44 0	151 95	195 95
Atford . . . . .	. . . . .	138 89	138 89
Dalton . . . . .	. . . . .	130 70	130 70
Washington . . . . .	. . . . .	121 39	121 39
Loudon . . . . .	. . . . .	66 11	66 11
Bethlehem . . . . .	. . . . .	43 89	43 89
Savoy	(No Valuation)	. . . . .	. . . . .
Clarksbrough	(No Valuation)	. . . . .	. . . . .
	1324 0	6955 42	8279 42
			Eight Thousand, two hundred & seventy nine Dollars & forty two cents

COUNTY OF YORK.

	Representatives' Pay.	Proportion of \$133,435 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Berwick	160 0	1046 67	1206 67
Wells	124 0	826 67	950 67
Kittery	146 0	796 67	942 67
York	158 0	760 0	918 0
Arundel	86 0	380 0	466 0
Bideford	160 0	333 33	493 33
Pepperellboro'	102 0	333 33	435 33
Buxton . . . . .	. . . . .	317 78	317 78
Sandford . . . . .	. . . . .	166 67	166 67
Atford . . . . .	. . . . .	133 33	133 33
Lebanon . . . . .	. . . . .	213 33	213 33
			One Thousand two hundred & six Dollars & sixty seven cents
			Nine hundred & fifty Dollars & sixty seven cents
			Nine Hundred & forty two Dollars & sixty seven cents
			Nine Hundred & eighteen Dollars
			Four Hundred & sixty six Dollars
			Four Hundred & ninety three Dollars & thirty three cents
			Four Hundred & thirty five Dollars & thirty three cents
			Three Hundred & seventeen Dollars & seventy eight cents
			One Hundred & sixty six Dollars & sixty seven cents .
			One Hundred & thirty three Dollars & thirty three cents
			Two Hundred & thirteen Dollars & thirty three cents .

[illegible]

COUNTY OF CUMBERLAND.

	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
<i>Portland</i>	126	0	796	0	Seven Hundred & ninety six Dollars	796
<i>Falmouth</i>	120	0	670	0	Seven Hundred & fifty seven Dollars & seventy eight cents	757 78
<i>Scarboro'</i>	62	0	637	78	Six Hundred & seventy six Dollars & forty five cents	637 45
<i>North Yarmouth</i>	120	0	614	45	Six Hundred & forty eight Dollars & thirty three cents	614 33
<i>Gorham</i>	102	0	528	33	Five Hundred & twelve Dollars	512 0

COUNTY OF CUMBERLAND—CONCLUDED.

Towns.	Representatives' Pay.	Proportion of \$133,435 13	Total.
<i>Freeport</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Brunswick</i>	50 0	352 78	352 78
<i>Cape Elizabeth</i>		311 11	361 11
<i>New Gloucester</i>		278 89	278 89
<i>Windham</i>	84 0	241 11	325 11
<i>Harpeswell</i>	100 0	235 55	335 55
<i>Standish</i>		229 45	229 45
<i>Standish</i>		163 33	163 33
<i>Durham</i>		160 0	160 0
<i>Gray</i>		135 56	135 56
<i>Turner</i>		133 33	133 33
<i>Poland</i>		130 56	130 56
<i>Bridgeton</i>		76 11	76 11
<i>Hebron</i>		71 67	71 67
<i>Olisfield</i>		65 56	65 56
<i>Raymond</i>		64 72	64 72
<i>Buckfield</i>	62 0	57 22	119 22
<i>Norway</i>		37 22	37 22
<i>Paris</i>		37 22	37 22
<i>Livermore</i>		33 61	33 61
<i>Jay</i>		33 61	33 61
<i>Penakook</i>		33 61	33 61
<i>Hartford</i>		16 80	16 80
<i>Sumner</i>		16 80	16 80
<i>Pegypscot Gore</i>	(No Valuation)		
<i>Tyngston</i>	(No Valuation)		
	826 0	5776 38	6602 38
		Six Thousand six hundred & two Dollars & thirty eight cents	

COUNTY OF LINCOLN — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$13,435 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Vassalboro'</i>	.	166 94	166 94
<i>Winslow</i>	.	165 55	165 55
<i>Winthrop</i>	.	157 78	299 78
<i>Sydney</i>	142 0	156 95	156 95
<i>Readfield</i>	66 0	117 78	183 78
<i>Fairfield</i>	.	105 28	105 28
<i>Greene</i>	.	88 61	88 61
<i>Canaan</i>	.	86 67	86 67
<i>Monmouth</i>	.	83 61	83 61
<i>Farmington</i>	40 0	80 56	120 56
<i>Mount Vernon</i>	.	74 72	74 72
<i>Norridgewock</i>	.	73 61	73 61
<i>Clinton</i>	.	53 47	53 47
<i>Harlem</i>	.	18 6	18 6
<i>Payette</i>	(No Valuation)		
<i>Wayne</i>	(No Valuation)		
<i>Belgrade</i>	(No Valuation)		
<i>Starks</i>	(No Valuation)		
<i>Anson</i>	(No Valuation)		
<i>Cornville</i>	(No Valuation)		
<i>Chester</i>	(No Valuation)		
<i>New Sharon</i>	(No Valuation)		
		One Hundred & sixty six Dollars & ninety four cents .	
		One Hundred & sixty five Dollars & fifty five cents .	
		Two Hundred & ninety nine Dollars & seventy eight cents .	
		One Hundred & fifty six Dollars & ninety five cents .	
		One Hundred & eighty three Dollars & seventy eight cents .	
		One Hundred & five Dollars & twenty eight cents .	
		Eighty eight Dollars & sixty one cents .	
		Eighty six Dollars & sixty seven cents .	
		Eighty three Dollars & sixty one cents .	
		One Hundred & twenty Dollars & fifty six cents .	
		Seventy four Dollars & seventy two cents .	
		Seventy three Dollars & sixty one cents .	
		Fifty three Dollars & forty seven cents .	
		Eighteen Dollars & six cents .	

	(No Valuation)		(No Valuation)		Eight Thousand & seven Dollars & three cents	8007 3
	1248	0	6759	3		
<i>Goshen</i>
<i>Littleboro'</i>

	Dolls. Cts.		Dolls. Cts.		Dolls. Cts.
	Dolls.	Cts.	Dolls.	Cts.	
<i>Castine</i>	58	0	139	17	197 17
<i>Deer Isle</i>	48	0	128	33	176 33
<i>Sedgwick</i>	.	.	110	28	110 28
<i>Backstorn</i>	.	.	100	0	100 0
<i>Blanchill</i>	.	.	99	17	99 17
<i>Wendham</i>	.	.	94	72	94 72
<i>Prospect</i>	.	.	93	33	93 33
<i>Penobscot</i>	58	0	92	78	150 78
<i>Trenton</i>	.	.	90	83	90 83
<i>Orrington</i>	38	0	89	72	127 72
<i>Candleboro'</i>	.	.	82	78	82 78
<i>Belfast</i>	.	.	80	69	80 69
<i>Mount Desert</i>	.	.	77	61	77 61
<i>Eden</i>	.	.	77	61	77 61
<i>Hampden</i>	.	.	71	67	71 67
<i>Sullivan</i>	.	.	71	11	71 11
<i>Frankfort</i>	.	.	60	97	112 97
<i>Ischboro'</i>	52	0	56	67	56 67
<i>Plantation No. 2 East side Penobscot</i>	.	.	.	.	.
<i>Bangor</i>	.	.	47	36	47 36
<i>Sullivan Adjacent</i>	.	.	45	0	45 0
<i>Northport</i>	.	.	24	17	24 17
<i>Duck Trap</i>	.	.	15	7	15 7
	.	.	15	7	15 7

COUNTY OF HANCOCK.

COUNTY OF HANCOCK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,435 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Waldo Claim</i>		One hundred & thirty seven Dollars & fifty cents	137 50
<i>Lincolnshire Company or Twenty Associates</i>		Thirty Dollars & fifty five cents	30 55
<i>Ten Original Proprietors</i>		Fifteen Dollars & twenty eight cents	15 28
	254 0	Two thousand two hundred & one Dollar [<i>s</i>] & fifty cents.	2201 50

COUNTY OF WASHINGTON.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Machias</i>	198 47	One hundred & ninety eight Dollars & forty seven cents	198 47
<i>Adulson</i>	49 17	Forty nine Dollars & seventeen cents	49 17
<i>Columbia</i>	44 58	Forty four Dollars & fifty eight cents	44 58
<i>Harrington</i>	41 67	Forty one Dollars & sixty seven cents	41 67
<i>Stadben</i>	39 72	Thirty nine Dollars & seventy two cents	39 72
<i>Eastport</i>	20 0	Twenty Dollars	20 0
	393 61	Three hundred & ninety three Dollars & sixty one cents	393 61

COUNTY OF NORFOLK.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Roxbury</i>	112 0	One thousand two hundred & twelve Dollars & eighty three cents	1212 83
<i>Dorchester</i>	146 0	Nine hundred & seventy five Dollars & seventeen cents	975 17
<i>Dedham</i>	124 0	Seven hundred & fifty three Dollars & forty five cents	753 45
<i>Wrentham</i>	58 0	Five hundred & ninety two Dollars & eighty six cents	592 86

Weymouth	138 0	448 6	Five hundred & eighty six Dollars & six cents	586 6
Medfield	61 8	262 8	Three hundred & twenty three Dollars & sixteen cents	323 16
Dover	42 92	184 17	Two hundred & twenty seven Dollars & nine cents	227 9
Milton	162 0	401 25	Five hundred & sixty three Dollars & twenty five cents	563 25
Quincy	112 0	379 17	Four hundred & ninety one Dollars & seventeen cents	491 17
Franklin	134 0	378 6	Five hundred & twelve Dollars & six cents	512 6
Needham	30 0	362 22	Three hundred & ninety two Dollars & twenty two cents	392 22
Medway	78 0	361 25	Four hundred & thirty nine Dollars & twenty five cents	439 25
Braintree	42 0	359 44	Three hundred & fifty nine Dollars & forty four cents	359 44
Brookline	70 0	346 11	Three hundred & eighty eight Dollars & eleven cents	388 11
Randolph	40 0	326 67	Three hundred & ninety six Dollars & sixty seven cents	396 67
Canton		263 82	Three hundred & twenty three Dollars & eighty two cents	323 82
Walpole		264 17	Two hundred & sixty four Dollars & seventeen cents	264 17
Cohasset		250 42	Two hundred & fifty dollars & Forty two cents	250 42
Sharon		237 22	Two hundred & thirty seven dollars & twenty two cents	237 22
Stoughton		211 87	Two hundred & Eleven dollars and Eighty seven cents	211 87
Bellingham		203 33	Two hundred & three dollars & thirty three cents	203 33
Exeter		180 0	One hundred & eighty dollars	180 0
Farborough				
	1380 0	8503 62	Nine thousand eight hundred & eighty three dollars & sixty two cents	9883 62

SUM TOTAL IN THE SEVERAL COUNTIES.

Suffolk	Dolls. Cts.	Dolls. Cts.	Fourteen thousand two hundred & eighty seven dollars & eight Cents	Dolls. Cts.
Essex	1110 0	13177 8	Nineteen thousand nine hundred & forty three dollars & fifty eight Cents	14287 8
Middlesex	2124 0	17819 58	Seventeen thousand two hundred & sixty two dollars & Eleven Cents	19943 58
Hampshire	3306 0	13956 11	Seventeen thousand four hundred & sixty four dollars & fourteen Cents	17262 11
Plymouth	2484 0	14980 14	Nine thousand two hundred & forty six dollars & eight Cents	17464 14
Bristol	1311 0	7932 8	Eight thousand two hundred & twenty seven dollars & nine Cents	9246 8
Barnstable	1030 0	7197 9	Three thousand two hundred & nineteen dollars & nineteen Cents	8227 9
Dukes County	446 0	2773 19	Eight hundred & twenty seven Dollars & thirty nine Cents	3219 19
Nantucket	95 0	731 39	One thousand & fifty six Dollars & forty seven Cents	827 39
Worcester	168 0	888 47	Twenty thousand three hundred & fifty eight dollsrs. & Eleven Cents	1055 47
	3392 0	16966 11		20358 11

SECT. 2. *Be it further enacted*, That the Treasurer of this Commonwealth, do forthwith send his warrant directed to the Selectmen or assessors of each Town, district, plantation, or other place, within this Commonwealth, the Inhabitants whereof are taxed as aforesaid, requiring such Selectmen or assessors respectively, to assess in Dollars & Cents the sum hereby set upon such town, district, plantation, or other place in manner following, that is to say, all the male polls above the age of sixteen years, within their respective towns, districts, plantations, or other places adjoining them, belonging to no other town, district or plantation, (provided such places were returned in the last valuation) all the polls aforesaid, being Minors, apprentices, or servants, under the Government of a Master or Mistress, to be taxed to such master or mistress respectively, at twenty eight cents each, and the remainder of such sum, so set to each town, district plantation, or other place respectively as aforesaid (after deducting the sums assessed on the polls as aforesaid) to assess on the Inhabitants of such town, district plantation, or other place as aforesaid according to the just value of the real estate of each inhabitant of such town, district, plantation or other place respectively, by him, her, or them possessed on the first day of May next, in his, her, or their own right, or right of others, lying within the said, town, district, or plantation, or other place, improved, or not improved; and on the non resident proprietors of real estate lying within such town, district, plantation, or other place, in their own right, or the right of others, improved, or unimproved, saving all agreements between landlords & tenants; and where no agreement is, the landlord to reimburse such tenant one half of such tax; and also on the Inhabitants of such Town, district, plantation, or other place, and all other persons, possessing estates within the same, according to the proportion of the amount of the Just value of their respective personal estates, including monies at Interest more than they pay interest for, although the same be secured by an absolute conveyance of real estate, if a bond of defeasance or promise of conveyance has been given, & all other debts due more than they are indebted for, money of all kinds on hand, Public Securities of all kinds, & Bank Stock held in any Bank, according to the just value thereof, And also the just amount of the Value of all goods,

wares, & merchandize, or any other stock in trade, vessels of all sorts at home & abroad, with all their stores & appurtenances, mules, horses, neat cattle, each of one year old & upwards, & swine of six months old & upwards, & all other property of the several kinds returned in the last valuation, (excepting sheep, hous[e]hold furniture, wearing apparel, farming utensils, & tools of mechanics) on the said first day of May. And the assessors of the respective towns, districts, plantations, & other places as aforesaid shall estimate all the before enumerated articles, at six *per centum*, upon the real value thereof, in the places where they are (excepting unimproved lands which shall be estimated at two *per Centum* where they are situated) and on the amount of the incomes of the Inhabitants, within their respective precincts as aforesaid from any profession, handicraft, trade, or employment, or gained by trading on Sea or land. And the Treasurer in his said warrants shall likewise require the said Assessors respectively to make a fair list of such assessments, setting forth in distinct columns against each persons name, how much he or she is assessed for polls, how much for real estate, & how much for personal estate & income as aforesaid; & if as Guardian, or for any estate in his or her possession, in trust, to be distinctly expressed; & also to insert in their rate bills, the number of acres of unimproved land, which they have taxed to each of the non resident proprietors of lands within their respective towns, districts, plantations or other places, and also the real value at which they have estimated the same, & the list or lists, so compleated & signed by them in manner aforesaid, or by the major part of them, to commit to the collector or collectors, constable or constables of such Town, district, plantation, or other place respectively with a warrant or warrants in due form of law for collecting & paying the same to the Treasurer of this Commonwealth on or before the first day of April in the year of our Lord One thousand & Eight hundred; and also to return a certificate of the name or names of such collector or collectors, constable or constables with the sum total committed to them respectively to collect, to the said Treasurer, some time before the first day of December next.

SECT. 3D. And Whereas there are many persons within this Commonwealth, who are engaged in trade,

and who almost entirely negotiate their business, and hire shops, stores, and wharves in other towns, than where they dwell or reside, & whose property and ability in this regard, cannot be so well known to the assessors of the several towns, districts or plantations, wherein such persons dwell or reside, as to the assessors of the several towns, wherein their business is transacted as aforesaid :

Be it therefore enacted, that all such persons within the discription aforesaid, shall be assessed by the assessors thereof, & pay taxes for such of their goods, wares, & merchandize or other stock in trade, ships & Vessels, as are sold, used, and improved in such towns, other than where they reside & not in the towns where such persons dwell or reside ; and they shall accordingly give in on oath if required, a list of their whole estates, respectively, to the assessors of their respective towns or places of residence, distinguishing what part thereof is rateable in other towns ; & in default thereof shall be doomed by the Assessors of such towns or places, where they respectively reside or have their home : *Provided always*, that this clause be not in any case so construed, as to enable any town to tax any Inhabitant of any other Town, for any estate for which such other Town was charged in the last valuation.

SECT. 4TH. *Provided nevertheless, And be it further enacted*, that the President, Professors, Tutors, Librarian, & Students of Harvard, Williams, and Bowdoin Colleges, who have their usual residence there, & who enjoy no other pecuniary office or employment, also ministers of the Gospel and Latin Grammer School masters, are not to be assessed for their polls & estates, under their own actual management or improvement, lying in the towns, districts or parishes, where they are settled ; and also all persons who have the management or improvement of the estates of Harvard College, Williams College & Bowdoin College in this Commonwealth, are not to be assessed for the same ; nor Indians for their polls & estates : & if there be any others, who by reason of age, infirmity, or poverty are unable to pay towards the public charges, & in the Judgment of the assessors, ought to be relieved in their taxes, in any such case the assessors respectively may exempt the polls & estates of such persons, or abate any part of what they are set at, as they on their oaths shall deem just and equitable.

Provided however, that if the inhabitants of the Town of Cambridge shall, within one year from the passing of this Act, give satisfactory evidence to the General Court that in virtue of the operation of this Act, real estate belonging to the Corporation of Harvard College affording a net income of more than five hundred pounds, as stated in the Charter of said College, is exempted from Town and Parish taxes, the amount of all taxes to the town & Parish on such excess shall thereupon be paid out of the public Treasury.

SECT. 5TH. *And be it further enacted*, that the Justices of the Peace, at their several sessions, in their respective Counties, when duly authorised for the assessment of a County tax, shall apportion the same on the several Towns, districts, plantations & other places, in their respective Counties as aforesaid, in the respective proportions of this tax; and the assessors of each town, parish, district or other place, within this Commonwealth, in making County, town, parish, or society taxes, shall govern themselves by the same rules, and assess the polls in their respective towns, parishes, or societies, in the same proportions as the said Polls pay toward the several sums with which the said Towns or other places, by this Act respectively stand charged, having regard to all such alterations of polls or property as may happen within the same, subsequent to assessing the Tax laid by this Act.

Provided always, That it shall & may be lawful for any town, district, or plantation, to levy, make, & collect any County, town, Parish, or Society tax, and for that purpose to cause a valuation to be taken at any time of the year, which the said Town or other place, shall determine to be expedient at a legal meeting warned for that purpose. And the assessors of the several Towns, which by this Act are charged with the pay of Representatives, shall assess such additional sum on the Polls and estates as aforesaid within their respective Towns, & shall apportion the same in the same proportion, at which such polls & estates shall be respectively set for raising the sum of One hundred & thirty three thousand, four hundred & thirty five Dollars & thirteen cents.

SECT. 6TH. *And be it further enacted*, that the Treasurer of this Commonwealth shall send his warrant to the Sheriff of the County of Lincoln requiring him to collect

the sum by this Act assessed on the lands belonging to the Plymouth Company so called, & shall issue his warrant to the Sheriff of the County of Hancock requiring him to collect the sums, which by this Act are directed to be assessed on the lands lying within the claims of the heirs & assigns of the late Brigadier Waldo; also of the Lincolnshire company of twenty associates, & of the ten original Proprietors so called; all which sums are to be collected in the same manner as collectors or constables are authorised & directed to proceed in collecting the taxes laid on non resident Proprietors of unimproved lands, & to be paid into the Treasury of this Commonwealth on or before the first day of April in the year of our Lord One thousand & eight hundred.

SECT. 7TH. *And be it further enacted*, that no order shall be drawn by the Treasurer of this Commonwealth on any Constable or Collector of this Tax for any part of the same.

SECT. 8TH. *And be it further enacted*, that Twenty thousand Dollars of the sum ordered to be assessed & paid by this Act, be, and hereby is appropriated towards paying the Interest on the Public Debt; and the residue for defreying the expences of Government.

Approved February 28, 1799.

1798. — Chapter 76.

[January Session, ch. 42.]

AN ACT TO ALTER THE TIME OF HOLDING THE COURTS OF GENERAL SESSIONS OF THE PEACE AND COURT OF COMMON PLEAS IN THE COUNTY OF WASHINGTON.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same; That an Act entitled “an act determining at what time and place the Courts of General Sessions of the Peace, and Courts of Common pleas shall be holden within the County of Washington” be, and the same hereby is repealed; and that from and after the passing of this Act, the said Court of General Sessions of the Peace, and Court of Common Pleas shall be holden at Machias in the said County of Washington on the third Tuesday of August annually; and that all writs, recognizances and processes which have been, or may be commenced to, or taken for, either of said Courts, to be

Courts to set on the 3d Tuesday of Aug.

holden at Machias on the first Tuesday of October next shall be returnable to, be entered, have day in, and be proceeded upon in the said Courts to be holden on the said third Tuesday of August next; and all matters and things be done and performed by said Courts on the said third Tuesday of August, in the same manner as they might have been done, and performed by the said Courts on the first Tuesday of October next, if this Act had not been passed.

Approved March 1, 1799.

1798. — Chapter 77.

[January Session, ch. 44.]

AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR GIVING REMEDIES IN EQUITY."

Right of
redemption.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same,* That where any mortgagee or vendee, claiming any lands or tenements granted upon condition by force of any deed of Mortgage or bargain and Sale with defeasance, or any person claiming and holding under them, have lawfully entered & obtained, or shall lawfully enter & obtain the actual possession of such Lands or tenements, for the condition broken, the Mortgagor or vendor, or other person lawfully claiming under them, shall have right to redeem the same, at any time within three years, next after such possession obtained, and not afterwards; & upon payment, or tendering of payment, of the original debt & damages, with lawful interest & costs, or performing or tendering performance of such other condition as the case may require, or such part thereof as was remaining unpaid or unperformed at the time of such entry, together with such further reasonable sums as may have been disbursed and expended in necessary repairs of fences & buildings, and for the advancing & bettering such estate, over & above what the rents & profits ther[e]of, upon a Just computation, shall amount to, to such Mortgagee, Vendee or Person, lawfully claiming & holding under them, & in possession as aforesaid, within the time aforesaid, such Mortgagee Vendee, or other person claiming, & in possession, as aforesaid, to whom such tender has been or shall be made, shall be obliged, to accept such payment or other performance of the condition, & thereupon to restore and

deliver possession of such estate; and seal, execute, acknowledge, & deliver a good & sufficient Deed in the law of release & quit claim, and all his right therein to the person making such tender, having lawful right to redeem the same. And if on payment or tendering of payment, performing or tendering of performance, as aforesaid, such Mortgagee, Vendee, or person lawfully claiming or holding under them, & in possession as aforesaid, doth or shall refuse or neglect to deliver possession, & release his right in such estate, as aforesaid, such Mortgagor, Vendor, or other person lawfully claiming, as aforesaid, may have his Bill in equity, originally triable in the Supreme Judicial Court or Court of Common Pleas in the County where the Estate lies, and shall insert the same in a writ of attachment or original summons, returnable to the Court, whose seal it shall bear, & shall cause such writ to be served on the adverse party as other writs of attachment, or original summons are by law to be served.

Process in case of refusal of mortgagee to release estate.

SECT. 2D. *Be it further enacted by the authority aforesaid*, That the Justices of either of said Courts are hereby empowered & authorised to receive and hear every such cause as shall be brought before them, as aforesaid; and on consideration of the several Pleas & allegation made by either party (or by the party complaining only in case the other party upon being duly called does not appear but makes default) to decree & enter up Judgment therein, agreeably to equity and good conscience, and to award execution accordingly; and in case of the non appearance of the Party complained of, or of his refusal to accept such sum as the Court shall adjudge to be due, or to accept such other act or thing as the Court shall adjudge a reasonable & equitable performance of the condition of the deed, & thereupon to restore possession & execute a release, as aforesaid, such sum being left in the Custody of the Court on behalf and for the use of such party, or such other act or thing as the Court shall order and direct being done by the complainant, Judgment shall be entered up for the complainant to recover possession of such estate, and execution shall issue accordingly: and the Court may, at their discretion, award costs to either party, as equity may require. *Provided*, That nothing herein contained shall be construed to prevent an appeal from the Judgment of any Court of Common Pleas rendered upon any process given by force of this Act.

Court authorized to decree according to Equity.

Provido.

Rights of redemption may be attached and sold for debt.

SECT. 3D. *Be it further Enacted*, That all rights in equity of redeeming real estate mortgaged shall be liable to be attached on *mesne* process, and taken in execution upon Judgment for the payment of the just debts of the Mortgagor or owner: and the officer having such execution is hereby authorized to make sale of the same at Public Vendue, and to make, execute, acknowledge, & deliver to the highest bidder good and sufficient Deed or Deeds of any estate so sold in manner as is hereinafter expressed.

Sheriff directed to sell at vendue, estates taken by execution.

SECT. 4TH. *Provided always, and Be it further Enacted*, That the Officer shall give notice, in writing, of the time & place of sale to the debtor in person, or by leaving the same at his last & usual place of abode, & public notice of the said time & place of Sale, by posting up notifications thereof, in two or more public places in the Town, District or plantation, in which such mortgaged estate is situated, and also in one or more public places in two adjoining towns, thirty days, at least, before the time of sale; & further, shall cause an advertisement of the time & place of sale, to be published three weeks successively before the day of sale, in some public Newspaper, printed in the County in which such real estate lies, if any such newspaper shall be there printed. And the notifications aforesaid, being given or posted up, within the space of thirty days after Judgment given whereon such execution shall issue, the attachment shall hold the equity attached as aforesaid, untill the levy of such execution can be completed in manner hereinafter described. And in case the estate, notified for Sale, as aforesaid, shall not be disposed of at the time & place appointed, the Officer shall adjourn the vendue, not exceeding three days, & so from time to time untill the Sale shall be completed. And the surplus monies (if any there shall be) arising from such sale, beyond satisfying the debt, costs, & necessary intervening charges, the Officer shall return to the debtor.

The debtor further allowed to redeem.

SECT. 5TH. *Be it further enacted*, That all Deeds made & Executed, as aforesaid, shall be as effectual, to all intents & purposes, to convey the debtors right in equity, aforesaid, to the purchaser, his heirs & assigns, as if the same had been made & executed by such Debtor or Debtors. *Provided always*, That every such Debtor shall have liberty to redeem the right in equity, so sold, within three years, next after the time of executing the Deed or Deeds thereof, in manner aforesaid, by paying the sum,

which may by such sale have been satisfied on such execution, with the Interest thereof, and also such Sum with the Interest thereof, as the purchaser may have paid to the Mortgagee, his heirs & Assigns deducting the rents & profits the purchaser, or any under him, may have received over and [&] above the repairs & betterments made by the purchaser or any under him.

SECT. 6TH. *Be it further Enacted*, That when any action shall be brought & prosecuted on any bond or other specialty, with penalties, for the payment of sums of money, performance of covenants, contracts, agreements, matters, or things, to be done at several times, & the plaintiff recover the forfeiture of such penalty, the Court shall enter up Judgment for the whole of such forfeiture, and award execution only for so much of the debt or damage as is due or sustained at that time, so always that the said judgment shall stand & be a security to the plaintiff, his Executors, & Administrators for any further & after payment or damages, he or they may have just right to, by the nonperformance or breach of the covenants, contracts, agreements, or things in such bonds, or other specialties contained, & who may have a Writ or Writs of *scire facias* on said Judgment from such Court, where the same was obtained against the defendant, his heirs executors, or administrators, suggesting other & further damages sustained by non-performance, or breach of such covenants, contracts, & agreements, & to summon him or them to shew cause why execution should not be awarded upon said Judgment for other & further damages, as set forth in the writ, & made out to the Court, upon which the Court shall proceed as aforesaid, as often as such damage shall accrue & be sued for as aforesaid; or may have his Action of debt, or on the case, as the case may require for such payment or damages as aforesaid.

Case of recovery on breach of bond, &c.

SECT. 7TH. *And be it further enacted*, that an act for hearing and determining cases in equity passed A.D. 1698, An Act in addition thereto passed A.D. 1735, And an Act in explanation of & further addition to the Act for making lands and tenements liable to the payment of debts passed the same year 1735, be & they hereby are repealed. *Provided nevertheless*, that with regard to all suits & causes of suits, & all rights depending, existing, or required, under & by force of said Acts, or any of them, they shall be considered as in full force.

Former laws repealed.

Approved March 1, 1799.

1798. — Chapter 78.

[January Session, ch. 43.*]

AN ACT TO REGULATE THE TAKING OF THE FISH CALLED ALEWIVES IN MONATIGUOTT RIVER IN THE TOWN OF BRAINTREE.

Inhabitants
authorized.

Regulations
to be adopted.

Fish Committee.

Dams to be
opened.

Penalty for
illegally taking
the fish.

SECT. 1. *Be it Enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same,* That the Town of Braintree at their Meeting in March or April, annually, may, and they are hereby authorized, to regulate the taking of the Fish called Alewives in Monatiguott River, by fixing upon the times, places & manner of taking said Fish and the price at which said Fish when taken may be sold, not exceeding Twenty five cents for one hundred Fish; and also to direct their Committee to farm out or sell the privilege of taking said Fish. Which regulations, when made, shall remain in force for one year next ensuing, and afterwards, until new regulations, in manner aforesaid, shall be adopted by the Town. And it shall be the duty of said Town, at their aforesaid Meeting, annually, to choose three discreet persons, whose duty it shall be to inspect said River — to cause the regulations respecting said Fishery to be carried into effect, & to prosecute all violations thereof, that shall come to their knowledge, and who shall also be sworn to the faithful performance of their duty in like manner and under like penalties as other Town Officers.

SECT. 2. *Be it further Enacted,* That the Owners or Occupiers of Dams across said River, shall during the time said Fish are passing up, open a passage through, over, or round their respective Dams, sufficient for the passage of said Fish, in the opinion of the Committee, under penalty of Ten Dollars for each and every twenty four hours that they shall neglect to open a passage, as aforesaid, from and after said Owner or Occupier has been notified & required, in writing, by said Committee, for the space of two days, so to do.

SECT. 3. *Be it further Enacted,* That if any person shall make any weare across said river, or cause any obstruction to the free passage of said Fish, or if any person shall presume to take any of said Fish, except at the places & on the days allowed by the Town; or if any per-

* Two chapters numbered 43 in session pamphlet.

son other than the purchasers or Farmers of the said privilege, or those employed by them, shall presume, at any time, to take any of said fish; or if the person, taking said Fish, shall sell them at a higher rate than what the Town shall allow, the person, so offending, shall, for each offence, forfeit and pay a sum not more than five Dollars nor less than one Dollar, at the Discretion of the Justice, before whom the same may be tried.

SECT. 4. *Be it further Enacted*, That all penalties, incurred by a breach of any regulations respecting said Fishery, may be sued for, before any Justice of the Peace for the County of Norfolk, by the Treasurer of said Town, & the Committee aforesaid may be competent Witnesses in any prosecution for a breach of this Act, notwithstanding they may be Complainants in said prosecution.

The Committee may be competent witnesses.

SECT. 5. *Be it further Enacted*, That all fines, recovered for the breach of this Act shall be for the use of the Town of Braintree.

Appropriation of fines.

SECT. 6. *Be it further Enacted*, That the Committee chosen by virtue of this Act, shall be compensated for their service by the Town of Braintree, at such rate as the Town shall agree upon at the time they are chosen.

Committee to be compensated.

Approved March 1, 1799.

1798. — Chapter 79.

[January Session, ch. 45.*]

AN ACT FOR ESTABLISHING AN ACADEMY IN THE TOWN OF FRAMINGHAM, BY THE NAME OF FRAMINGHAM ACADEMY.

Whereas it appears that sundry well disposed persons have erected a convenient building in Framingham in the County of Middlesex, & appropriated it to the use of an Academy; to effect which generous design more fully, it is necessary to establish a body politic,

Preamble.

SECTION 1. *Be it therefore enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same*, that there be, & hereby is established, in the Town of Framingham in the County of Middlesex, an Academy by the name of Framingham Academy, for the purpose of promoting piety, Religion and morality, and for the education of youth in such of the liberal Arts & Sciences as the Trustees shall direct; and that the Reverend David Kellogg, Revd. Josiah Bridge,

Academy established.

Trustees.

* Erroneously printed chapter 36 in session pamphlet.

& Revd. Jacob Bigelow, Artemas Ward Junr. Jonathan Maynard, Jonathan Hale, Samuel Frost, Peter Cloyes & David Brewer Esquires be, & hereby are nominated & appointed Trustees of said Academy; and they are hereby incorporated into a Body Politick by the name of the Trustees of Framingham Academy; and they & their successors shall be & continue a body politic by the same name forever.

Land granted.

SECTN. 2D. *And be it further enacted* that the said Academy be endowed with a tract of land equal to one half of a township of six miles square of any of the unappropriated lands within either of the Counties of Lincoln, Hancock, or Washington, excepting the lands on Penobscot River, to be laid out by the Committee for the sale of Eastern lands; and that all the lands & monies heretofore given or subscribed or which for the purpose aforesaid, shall be hereafter given, granted and assigned unto the said trustees shall be confirmed to the said trustees & to their successors in that trust forever, for the uses which in such instruments shall be expressed: *Provided* their annual income shall never exceed three thousand Dollars. And they shall ever apply the rents, issues & profits thereof, in such a manner as that the institution of the Academy may be most effectually promoted.

Proviso.

Trustees to elect officers.

SECTION 3D. *Be it further enacted* that the said trustees shall have full power from time to time, as they shall determine, to elect such officers of said Academy, as they shall judge necessary and convenient, & fix the tenures of their respective offices; to remove any trustee from the corporation, when, in their opinion, he shall be incapable through age, or otherwise, of discharging the duties of his office; to fill all vacancies, by electing such persons for trustees as they shall judge best; to determine the times & places of their meetings; the manner of notifying said trustees; the method of electing or removing trustees; to ascertain the powers & duties of their several officers; to elect Preceptors and Ushers of said Academy; to determine the duties of their offices; to ordain reasonable rules orders & bye laws not repugnant to the Laws of this Commonwealth, with reasonable penalties for the good government of the Academy, & to ascertain the qualifications of students requisite to their admission; & the same rules, orders and bye-laws at their pleasure to repeal.

May make bye-laws.

SECTION 4. *Be it further enacted* that the Trustees of said Academy may have one common seal which they may change at pleasure; and that the deeds signed & delivered by the Secretary of said trustees by their order and sealed with their seal, shall, when made in their name, be considered as their deed, & as such be duly executed & valid in law. And that the said trustees of said Academy may sue & be sued in all actions, real, personal, or mixed; & prosecute, & defend the same to final judgment & execution by the name of the Trustees of Framingham Academy.

A seal allowed.

Trustees may sue and be sued.

SECTION 5TH. *Be it further enacted* that the number of said trustees & their successors shall not at any time be more than nine, nor less than seven, five of whom shall constitute a quorum for transacting business; and a majority of members present at a legal meeting shall decide all questions proper to come before the trustees.

Number of Trustees limited.

SECTION 6. *Be it further enacted*, That Jonathan Maynard Esqr., be & hereby is authorized to fix the time & place for holding the first meeting of the said trustees & to notify them thereof.

First meeting.

Approved March 1, 1799.

1798. — Chapter 80.

[January Session, ch. 47.*]

AN ACT FOR CHANGING THE NAME OF WILLIAM BOARDMAN TO THAT OF WILLIAM HENDERSON BOARDMAN.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same, that from and after the passing of this Act, the said William Boardman, son of William Boardman of Chelsea, shall be allowed to take the name of William Henderson Boardman, and by that name instead of his present Christian and Surnames, shall be known and called, and that the same shall to all legal intents & purposes be hereafter considered as the only & proper name of the said Boardman, and shall avail him accordingly.

Approved March 1, 1799.

* No chapter 46 in session pamphlet.

1798.—Chapter 81.

[January Session, ch. 48.]

AN ACT IN ADDITION TO & FOR THE AMENDMENT OF AN ACT ENTITLED "AN ACT TO PREVENT THE DESTRUCTION & TO REGULATE THE CATCHING OF THE FISH CALLED ALEWIVES IN THE RIVERS & STREAMS IN THE TOWN OF FALMOUTH IN THE COUNTY OF BARNSTABLE."

Be it Enacted by the Senate & House of Representatives in General Court assembled & by the authority of the same, that the Committee to be chosen conf[r]ably to the Act to which this is in addition, be and they hereby are authorized to permit the taking of said Fish five days in a week if they see fit, during the period provided by said Act for said Rivers and Streams to be kept open—any thing in said Act to the contrary notwithstanding.

Approved March 1, 1799.

1798.—Chapter 82.

[January Session, ch. 49.]

AN ACT FOR REGULATING THE FISHERY IN THE TOWN OF WOOLWICH IN THE COUNTY OF LINCOLN.

SECTION 1. *Be it enacted by the Senate & House of Representatives in General Court assembled, & by the authority of the same, that it shall & may be lawful for the said Town of Woolwich at any legal meeting of the Inhabitants thereof for said purpose to choose a Committee to sell or otherwise dispose of the privilege of taking Salmon, Shad & Alewives, as the Town shall direct, at Neguaset Falls, so called in said Town on the days following, to wit, Monday Tuesday & Wednesday in each week; and the emoluments arising from said privilege, shall be appropriated by said Town to such purposes & uses, as the Inhabitants thereof shall in legal Town meeting from time to time determine.*

Fish Committee.

Time of fishing.

Profits appropriated.

Penalty for unlawful fishing.

SECT. 2. *And be it further Enacted, that if the purchaser or purchasers, manager or managers, or those employed by them shall presume, to take any of said Fish, at any other time or place in said Town than is in this Act provided, & if any other person or persons except the purchaser or purchasers, manager or managers of said privilege, or those employed by them, shall presume to take or catch any of said Fish, in any of the Rivers or*

Streams within the boundaries of said Town, he or they so offending, shall for each offence, forfeit and pay a sum not exceeding Thirty Dollars, nor less than one Dollar at the discretion of the Justice before whom the same may be tried.

SECT. 3. *And be it further enacted* that if any person lawfully taking said fish as aforesaid, shall when in his power, neglect or refuse to supply any person with said fish who may apply for the same, at the rate of twenty-five cents for one hundred of said fish, he shall forfeit and pay for each offence the sum of Five Dollars; and if any person shall ask, demand, or receive, more than at the rate aforesaid for said fish while the same are fresh & green, he shall forfeit & pay the sum of Five Dollars for each offence.

Penalty for extortion.

SECT. 4. *And be it further Enacted* that the said town of Woolwich at their annual meeting in March or April shall choose a Committee not exceeding nine, nor less than three Freeholders of said Town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this act; & it shall be the duty of said Committee to cause the sluice way, passage way or Canal, which has been made at said falls, for the purpose of affording said fish, a passage up said stream and falls, to be kept open & without obstruction during the whole time said fish shall pass up the same stream or river in each year, and to remove any such obstruction, as shall or may be found therein: and to make the said passage way or Canal wider or Deeper, if they or a majority of them shall deem it necessary; and the said Committee or any two of them paying a reasonable compensation therefor if demanded, shall have authority in prosecution of the duties hereby enjoined upon them to go in & upon the lands of any person thro' which said stream or Canal may run, or into any mill or other water works on said river or Canal without being considered as trespassers; and any person who shall molest or hinder said Committee or any one of them in the execution of said duties, or shall obstruct any sluice way, passage way, canal, river or stream aforesaid, otherwise than may be allowed by said Committee or a major part of them, he or they so offending shall forfeit & pay for each offence, a sum not less than one, nor exceeding Ten Dollars: *Provided*, that nothing in this Act shall be construed to authorise said Committee, or either

Sluice ways, &c. to be opened.

Penalty for opposition.

Proviso.

of them, to damage any owner of any mill or waterworks as aforesaid further than is necessary to give said Fish a good & sufficient passage up said stream and Canal.

Committee to prosecute, seize nets, &c.

SECT. 5. *Be it further enacted*, that it shall be the duty of the said Committee to prosecute all breaches of this Act, & for any two or more of them to seize & detain in their custody, any net, or other implement, which may be found in the hands of any person using the same, contrary to the true intent & meaning of this act, until the person so offending shall make satisfaction for said offence, or is legally acquitted therefrom; & that each one of the Committee aforesaid shall be notified of his being chosen, & shall be sworn to the faithful discharge of his office, in the same manner, & under the same regulations & rules, as other Town Officers.

Penalty for omitting to open sluice ways.

SECT. 6. *Be it further enacted* that all & every owner of any mill or waterworks, standing or being on said Falls or stream shall annually on or before the twentieth day of April open their gates or sluiceways, so that the pond or ponds belonging to said works shall be drawn off, & shall continue the same so open & drawn off, until said fish shall have done running up said stream or canal; and any such owner failing hereof, or offending herein, shall forfeit & pay for each offence the sum of seventy Dollars.

Recovery of penalties.

SECT. 7. *And be it further enacted*, that all the penalties incurred by any breach of this act, shall be recovered by action of debt in any Court competent to try the same; and all sums of money recovered to the Town as aforesaid by forfeitures, shall be for the support of the poor of said town: and no person shall by reason of his being one of said Committee, be disqualified from being a witness in any prosecution for a breach of this Act.

Approved March 1, 1799.

1798. — Chapter 83.

[January Session, ch. 43.]

AN ACT REGULATING THE TAKING OF THE FISH CALLED ALEWIVES IN ISLAND CREEK BROOK, SO CALLED, IN THE TOWN OF DUXBURY.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled & by the Authority of the same*, that the Fish called Alewives may be taken from two rods below the Bridge over said Brook and

Place and time of taking the fish.

as far up said Brook as the width of the Road, commonly called Plymouth Road & shall not be taken in any other part thereof & at such times only, as the Committee who may be appointed by said Town as is hereafter provided may direct.

SECT. 2D. *Be it further enacted by the authority aforesaid*, that the Inhabitants of said Town of Duxbury at their meeting for the choice of town Officers in March or April annually, be & they hereby are authorised and directed to appoint three or five persons, a Committee to oversee the taking said Fish as aforesaid, which Committee shall distribute the fish taken by them or under their direction, as equally as circumstances will admit, to such of the Inhabitants of said Town as may apply for the same, and for the fish so supplied & delivered, the Committee aforesaid, shall demand & receive of the person or persons applying therefor payment at such rate or rates as the Inhabitants of the said Town at their annual meeting in March or April may direct, excepting of such poor persons as may be named in a list to be annually made out by the Selectmen of said Town, & who, in the opinion of the Selectmen are unable to pay for the same, which list shall be given to the Committee, & the person or persons borne on the same shall be supplied with such quantities of said Fish, gratis as the Committee may think expedient: And the Committee aforesaid, shall have such allowance for their services, as the inhabitants of said town at the time of appointing said Committee shall determine, and shall annually, in the month of September next following their appointment, exhibit their accounts to the Selectmen of said Town, for Settlement and allowance, & pay the balance remaining in their hands, if any, to the Treasurer of the Town of Duxbury for the town's use.

Fish Committee to be appointed.

Payment for fish to be exacted.

Committee to be compensated.

SECT. 3D. *Be it further enacted by the authority aforesaid*, that the said Committee or the Major part of them be, & are hereby authorized & empowered, to open any dam, or the Sluice of any Mill or other waterworks erected, or that may be erected, on or over said Brook, at the expence of the owner or owners of such dam or sluice, *provided* such owner or owners shall neglect to open the same when thereto required by said Committee, or the Major part of them as aforesaid; & the dam or sluice that may be so opened shall continue open to such

Committee may open sluice ways, &c.

depth & width, & for so long a time, as the said Committee, or the Major part of them may Judge necessary ; & if any person or persons shall obstruct the passage ways allowed or ordered by said Committee, or a Major part of them in any dam or sluice way, or shall obstruct the passage of said Fish in any other part of said Brook, than is permitted by this Act such person or persons, so offending, shall forfeit & pay a sum not exceeding One hundred & fifty Dollars nor less than Thirty dollars.

Penalty for
fishing without
authority.

SECT. 4TH. *Be it further enacted by the authority aforesaid*, That if any person or persons, other than the said Committee or such persons as shall be by them employed, shall take any of the said fish in the said Brook, or any part of it, at any time or by any means whatsoever, each person so offending shall forfeit & pay a sum not exceeding ten dollars, nor less than two dollars for every such offence.

Appropriation
of fines.

SECT. 5. *Be it further enacted by the authority aforesaid*, That all penalties incurred by the breach of this Act, may be sued for and recovered by the Treasurer of the Town of Duxbury, for the time being in any Court in the County of Plymouth proper to try the same ; and all sums so recovered, shall be appropriated to the use of said Town ; & in case any minor or minors shall offend against any part of this Act ; & thereby incur any or either of the penalties aforesaid, in all such cases, the Parents Masters or Guardians of such Minor or Minors, shall be answerable therefor ; & in case of a prosecution of such minor or minors, for any offence the action shall be commenced against the Parent, Master, or Guardian, of such minor or minors, respectively, & Judgment be rendered against any parent, master or Guardian, in such case, in the same manner, as for his or their personal offence.

Case of minors
violating this
law.

Committee
men may be
witnesses.

SECT. 6TH. *Be it further enacted by the authority aforesaid*, That no person by reason of being an Inhabitant of said Town, or one of said Committee shall be hereby disqualified from being a Witness in any prosecution for a breach of this Act.

Former laws
repealed.

SECT. 7. *And be it further enacted by the authority aforesaid*, That all laws heretofore made & provided for regulating the Alewife fishery on said Brook, be, & the same are hereby repealed.

Approved March 1, 1799.

1798. — Chapter 84.

[January Session, ch. 50.]

AN ACT ESTABLISHING THE WILLIAMSTOWN TURNPIKE CORPORATION.

Whereas the Highway leading from the West side of Hoosuck Mountain through the North part of Adams and Williamstown, is rocky, mountainous and circuitous, and the expence of making, straitening and repairing the same in such a manner as to make it convenient for Travellers with Horses and Carriages, would be much greater than ought to be required of the said Towns:

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,*

That Samuel Sloane, Samuel Porter, Burrell Sutton, Elias Mather, William Starkweather, Oliver Barrett, George Reab, Benjamin Skinner, David Johnson, Lemuel Stewart, David Noble, William Young, Daniel Dewey, William Towner, Remembrance Sheldon, Ezra Baker, Jonathan Danforth, Deodatus Noble, Zadock Ford, John Maulk, Solomon Wolcot junr. Samuel Mackay, Tompson J. Skinner junr. Ezekiel Bacon and Ira Baker and all such persons as shall be associated with them and their Successors be and they hereby are constituted a Corporation by the name of The Williamstown Turnpike Corporation, for the purpose of laying out and making a Turnpike road from the West side of Hoosuck Mountain. Beginning where the Turnpike made by Asaph White and Jesse King ends; thence running through the North part of the Town of Adams & Williamstown to the West line of Massachusetts, adjoining upon the Town of Petersburg, in the County of Ransleer & State of New York, & for keeping the same in repair in such place or places as the said Corporation shall choose for the same; which road shall not be less than four rods wide, and the path to be travelled on not less than eighteen feet width in any place. And that when said Turnpike Road shall be sufficiently made & shall be allowed & approved by the Justices of the Court of Sessions of the County of Berkshire at any term thereof, then the said Corporation shall be authorized to erect a Turnpike Gate on the same in such manner and in such place as the said Court shall direct, and shall be entitled to receive from each Traveller and

Preamble.

Persons incorporated.

Corporate name.

Description of road.

Rate of Toll.

Passenger the following rate of Toll; to wit: for every Coach, Phaeton, Chariot or other four wheel Carriage, drawn by two horses, twenty five cents; and if drawn by more than two horses, the additional sum of four cents for each horse; for every Cart or Waggon drawn by two oxen or horses, twelve cents, & five milles; & three cents for each additional ox or horse; for every Sled or Sleigh nine cents; and for each additional ox or horse three cents; for every Curricule sixteen cents; for every Chaise, Chair or other Carriage drawn by one horse, twelve cents & five milles; for every man and horse five cents; for all oxen, horses & neat cattle led or driven, besides those in Teams & Carriages, one cent each; for all Sheep & Swine three cents by the dozen, and in that proportion for a greater or less number: — *Provided* that no Toll shall be taken of any person passing said Road on military duty.

Proviso.

May hold land.

SECT. 2. *And be it further Enacted*, that the said Corporation may purchase & hold any land over which they make the said Road; and the Justices of the Court of Sessions of the Peace in the County of Berkshire are hereby authorized on application from the said Corporation, to lay out such road, or any part thereof, within their Jurisdiction, as with the consent of the said Corporation they may deem proper; and the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace for the said County of Berkshire, saving to either party the right of Trial by Jury, according to the Law which makes provision for the recovery of damages happening by laying out public Highways.

Persons whose lands are taken to be indemnified.

Penalty for delays and extortion.

SECT. 3. *And be it further Enacted*, that if the said Corporation, their Toll-Gatherers or others in their employ, shall unreasonably delay or hinder any Traveller or Passenger at said Gate, or shall demand or receive more Toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding Ten Dollars nor less than One Dollar, to be recovered before any Justice of the Peace for said County of Berkshire, by any person injured, delayed or defrauded in a special Action on the case; the Writ in which shall be served on the said Corporation, by leaving a Copy of the same with the Treasurer, or with some Individual Member, of the Corporation

living within the County where the Action may be brought, or reading the Contents thereof to the said Treasurer or individual Member, at least seven days before the day of Trial. And the Treasurer of said Corporation or individual Member, shall be allowed to defend the same suit in behalf of the Corporation. And the Corporation shall be holden to pay all damage which shall happen to any person from whom Toll is by this Act demandable for any damages which shall arise from defect of Bridges or want of repairs within the same way, & shall also be liable to a fine or presentment of the Grand Jury for not keeping the same way or Bridges thereon in good repair.

Corporation held liable, &c.

SECT. 4TH. *And be it further enacted*, that if any person shall cut, break down or destroy the said Turnpike or shall forcibly pass or attempt by force to pass the same, without having first paid the legal toll at said Gate, such person shall forfeit and pay a fine not exceeding fifty dollars, nor less than two dollars, to be recovered by the Treasurer of the Corporation to their use in an Action of Trespass. And if any person shall with his team, cattle, carriage or horse turn out of the said road to pass the said Turnpike gate on ground adjacent thereto and again enter on said road with intent to avoid the Toll due by Virtue of this Act, such person shall forfeit & pay three times so much as the legal toll would have been, to be recovered by the Treasurer of the said Corporation to the use thereof in an Action of Debt on the case. *Provided* that nothing in this Act shall extend to entitle the said Corporation to demand Toll of any person who shall be passing with his horse or carriage to or from Public Worship or with his horse, team or cattle or on foot to or from his common labour on his farm, or to or from mill in the same town or on the common and ordinary business of family concerns within the same town.

Penalty for forcibly passing.

Penalty for evasion.

Proviso.

SECT. 5TH. *And be it further enacted* that the shares in the same turnpike road, shall be taken deemed & considered to be personal estate to all intents & purposes and shall & may be transferable; & the mode of transferring said shares shall be by deed acknowledged before any Justice of the Peace and be recorded by the Clerk of the Corporation in a book to be kept for that purpose; & when any of said shares shall be attached on *Mesne* Process, an attested Copy of such process shall at the time of the attachment be left with the Clerk of said Corporation,

Shares to be considered personal estate.

May be taken
for debt.

otherwise such attachment shall be void. And such Shares may be sold on execution in the same manner as is or may by law be provided for the sale of personal property by execution; the Officer making Sale or the Judgment Creditor leaving a Copy of the execution & of the Officer's return on the same, with the Clerk of the said Corporation within ten days after such Sale & paying for the recording of the same.

First meeting.

SECT. 6TH. *And be it further enacted*, that a Meeting of the said Corporation shall be held at the house of George Reab innholder in Williamstown aforesaid on the last Monday of March next, for the purpose of choosing a Clerk & such other Officers as may then & there be agreed upon by the said Corporation for regulating the concerns thereof; and the said Corporation may then & there agree upon such methods of calling meetings in future, as they may judge proper.

Books may be
inspected.

SECT. 7TH. *And be it further enacted* that the books of the said Corporation shall at all times be subject to be inspected & examined by a Committee to be appointed by the General Court, or to the inspection of the Governor & Council when called for.

Shares of
delinquents
may be sold.

SECT. 8TH. *Be it further enacted* that whenever any proprietors shall neglect or refuse to pay any tax or assessment duly voted & agreed upon by the Corporation to their treasurer within Sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorised to sell at Public Vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said taxes & the necessary incidental charges after duly notifying in the News papers printed in Pittsfield & Stockbridge the sum due on any such Shares & the time & place of Sale at least twenty days previous to the time of Sale; & such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing, & on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation the name of such purchaser with the number of Shares so sold, shall be by the Clerk entered on the books of the said Corporation; & such person shall be considered to all intents & purposes the proprietor thereof, & the over-plus if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus sold.

SECT. 9TH. *And be it further enacted* that the said Corporation shall at the place where the said Toll shall be collected erect & keep constantly exposed to view a sign or board with the rates of Toll & all the tollable articles fairly and legibly written thereon in large or capital Characters.

Sign board.

SECT. 10TH. *And be it further enacted* that the said Corporation shall within six months after the said road is compleated lodge in the Secretary's Office An Account of the expences thereof; & that the said Corporation shall annually exhibit to the Governor & Council a true account of the income or dividend arising from said Toll with their necessary annual disbursements on said road.

An account of expenses and profits to be exhibited annually.

SECT. 11. *And be it further enacted*, that if any person shall draw any log, tree or stick of timber on or over the said Turnpike road except in the months of January & February, unless such log, tree or stick of timber is loaded on a Cart or sled, or one end thereof is raised on a sled, cart or other suitable carriage, he shall forfeit & pay to the said Corporation One dollar, for every log, tree or stick of Timber so drawn, to be recovered in an Action of debt.

Timber not to be drawn over the road, with exception.

SECT. 12TH. *And be it further enacted*, That the said Corporation may if they see fit, commute the rate of toll, with any person or with the Inhabitants of any town through which the said road passes by taking of him or them any certain sum annually to be mutually agreed on in lieu of the toll established in & by this Act.

Annual Toll may be agreed on.

SECT. 13TH. *And be it further enacted* that the General Court may dissolve said Corporation whenever it shall appear to their satisfaction that the income arising from said Toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing taking care of & repairing the said Road together with an interest thereon at the rate of twelve Pr. Centum by the year, & thereupon the property of the said road shall be vested in this Commonwealth & be at their disposal — *Provided*, that if the said Corporation shall neglect to compleat the said Turnpike road for the space of three years from the passing this Act the same shall become void and of no effect.

Corporation may be dissolved.

Time for making the road limited.

Approved March 1, 1799.

1798. — Chapter 85.

[January Session, ch. 51.]

AN ACT FOR ESTABLISHING A CORPORATION BY THE NAME
OF THE FIFTH MASSACHUSETTS TURN PIKE CORPORATION.

Preamble.

Whereas the high way leading from Northfield in the County of Hampshire through Warwick & Orange to Athol, & also from Greenfield through Montague & unimproved Lands up Miller's River to Athol aforesaid thence through Gerry, Templeton, Gardner, Westminster & Fitchburgh to Leominster in the County of Worcester is Rocky & Mountainous, & the expence of straitening, making & repairing the same through the said Towns so that the same may be conveniently travelled with Horses & Carriages is much greater than reasonably ought to be required of said Towns;

Persons
incorporated.

SECTION 1ST. *Be it therefore Enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, That Timothy Dutton, Elisha Hunt, John Barrett, Edward Houghton, Solomon Vose, Caleb Mayo, David Mayo, Oliver Chapin, Josiah Proctor, Oliver Estey, Samuel Sweetser, Hiram Newell, Ebenezer Jones, Jonas Kendall, Phillip Sweetser, Elisha Ball, Caleb Alvord, Jonathan Leavitt, Richard E Newcomb, Solomon Smead, Jerom Ripley, Ezekiel Bascom, Daniel Wells, Calvin Munn, Thomas W. Dickinson, & all such persons as shall be associated with them & their Successors be & they hereby are constituted a Corporation*

Corporate
name.

by the name of the Fifth Massachusetts Turnpike Corporation & shall by that name sue & be sued, & shall have a common seal & enjoy all the privileges & powers which are by Law incident to Corporations for the purpose of laying out & making a Turn Pike Road from Capt. Elisha Hunt's in Northfield aforesaid through Warwick, Orange, Athol, Gerry, Templeton & Gardner to Westminster Meeting House, from thence to Jonas Kendall's Tavern in Leominster; & also from Calvin Munn's Tavern in Greenfield through Montague & up Miller's River through unincorporated Land so as to intersect the Road aforesaid in Athol & making the same in such place or places as the said Corporation shall choose, & for keeping

Road described.

the same in repair; which Road shall not be less than four rods wide & the path to be Travelled in not less than Eight

teen feet wide in any place; & that when said Turnpike-Road shall be sufficiently made & approved of by a Committee appointed by the Court of General Sessions of the Peace for the respective Counties of Worcester & Hampshire for that purpose, then the said Corporation shall be authorized to erect Five Turnpike Gates on the same in such manner as the said Corporation shall judge necessary & convenient for collecting the Toll, one of which Gates shall be near the house where David Mayo keeps a Tavern in Warwick; one other near the house where Samuel Sweetser now keeps a Tavern in Athol, one other to be near the Line between Gardner & Westminster; — one other near the house where Jonas Kendall keeps a Tavern in Leominster, the other one Gate where the Corporation may judge most convenient on the road from Greenfield to Athol aforesaid, & shall be entitled to receive of each Traveller or Passenger at each of the said Gates the following rate of Toll, vizt. For every Coach Phaeton, Chariot, or other four wheel Carriage drawn by two horses Twenty five cents, & if drawn by more than two horses an additional sum of Four cents for each horse — for every Cart or Waggon drawn by two Oxen or Horses, Twelve and an half cents, & if drawn by more than two oxen or horses an additional sum of Three cents for each ox or horse — For every Curricule Sixteen cents — For every Chaise, Chair or other carriage drawn by one horse Twelve & an half cents — For every Man & horse Five cents — For every Sled or Sleigh drawn by two Oxen or Horses Nine cents; if drawn by more than two oxen or horses an additional sum of Three cents for each ox or horse — For every Sled or Sleigh drawn by one horse Eight cents — For all Horses, Mules, Oxen or Neat Cattle lead or driven, besides those in Teams & Carriages One cent each — For all Sheep or Swine at the rate of Three cents for one Dozen; *provided* that said Corporation may if they see fit commute the rate of Toll with any person or persons by taking of him or them a certain sum annually, to be mutually agreed on in lieu of the Toll aforesaid.

Turnpike
Gates.

Rates of toll.

Annual sum
may be received.

SECTION 2D. *And be it further Enacted by the Authority aforesaid,* That said Corporation may purchase & hold land over which they may make said Road; & the Justices of the Court of General Sessions of the Peace in the County where said Road is, are hereby authorized on

Justices of the
Session to aid.

Persons whose
lands are taken
to be indemni-
fied.

application of said Corporation to lay out such Road, or any part thereof within their respective Jurisdictions, as with the consent of said Corporation they shall think proper; — And the said Corporation shall be liable to pay all damage that shall arise to any person by taking his Land for such Road, where the same cannot be obtained by voluntary agreement; to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the County where such damage shall arise; saving to either party the right of trial by Jury according to the Law which makes provision for the recovery of damages arising from the laying out of Highways.

Penalty for
delay and
extortion.

SECTION 3D. *And be it further Enacted by the Authority aforesaid*, That if said Corporation, or their Toll gatherer or others in their employ, shall unreasonably delay or hinder any Traveller or passenger at either of said Gates, or shall demand or receive more Toll than is by this Act established, the Corporation shall forfeit & pay a sum not exceeding Ten Dollars, nor less than Two Dollars, to be recovered before any Justice of the Peace of the County where the Offence shall be committed, by any Person injured, delayed, or defrauded, in a special Action of the Case; — the Writ in which shall be served on said Corporation by leaving a copy of the same with the Treasurer, or with some individual Member of said Corporation living in the County where the Action may be brought, or by reading the same to the Treasurer, or individual Member, at least seven days before the day of Trial. And the Treasurer of said Corporation, or individual Member, shall be allowed to defend the same suit in behalf of the said Corporation: — And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the Toll is demandable for any damage which shall arise from defect of Bridges, or want of repairs in said way, & shall also be liable to Presentment by the Grand Jury for not keeping the same way in good repair.

Process of a
suit.

Penalty for
injuring road;
and forcible
passage.

SECT. 4TH. *And be it further Enacted by the Authority aforesaid*, That if any person shall cut, break down, or otherwise destroy any of said Turnpike Gates, or shall dig up, or carry away any Earth from said Road, or in any manner damage the same, or shall forcibly pass or attempt to pass by force the said Gates without having first paid the legal Toll at such Gate, such person shall

forfeit & pay a fine not exceeding Fifty Dollars, nor less than Ten Dollars, to be recovered by the Treasurer of said Corporation to their use, in an action of Trespass or of the case; & if any person with his Team, Cattle or Horse, turn out of said Road, to pass any of the Turnpike Gates, & again enter the said Road with intent to evade the Toll due by virtue of this Act, such person shall forfeit & pay three times so much as the legal toll would have been, to be recovered by the Treasurer of said Corporation to the use of the same in an Action of Debt on the case; *Provided* that nothing in this Act shall extend to entitle the said Corporation to demand & receive Toll of any person who shall be passing with his Horse or Carriage to or from Public Worship, or with his Horse, Team or Cattle to or from his common labor, on his Farm, or to or from any Grist Mill, or on the common, or ordinary business of Family concerns, or from any person or persons passing on Military duty.

Attempt to evade the toll.

Exemption on certain occasions.

SECT. 5. *And be it further Enacted by the authority aforesaid*, That the shares in the same Turnpike Road shall be taken deemed and considered to be personal estate to all intents and purposes, and shall & may be transferable: And the mode of transferring said shares, shall be by Deed acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation in a book to be kept for that purpose. And when any share shall be attached on *mesne* process, an attested Copy of such process, shall at the time of the Attachment be left with the Clerk of the Corporation; otherwise the Attachment shall be void, and such shares may be sold on Execution in the same manner as is or may by Law be provided for making sale of personal property on Execution — the Officer making the sale, or the Judgment Creditor leaving a Copy of the Execution, & the Officer's return on the same with the Clerk of said Corporation, within fourteen days after such sale, & paying for the recording the same, shall be deemed and considered as a sufficient Transfer of such share or shares in the said Turnpike Road.

Shares to be deemed personal estate.

Transfer of shares.

Process of attachment.

SECT. 6. *And be it further Enacted by the authority aforesaid*, that a Meeting of the said Corporation shall be held at the house of Oliver Chapin, Inholder in Orange, on the tenth day of April next, at ten of the Clock in the Forenoon, for the purpose of choosing a Clerk who shall

Organization of the society.

be sworn to the faithful discharge of the duties of said Office, and such other Officers as may then & there be agreed upon by said Corporation. And said Corporation may then establish such rules & regulations as the said Corporation shall judge necessary, *provided* the same are not repugnant to the Laws of this Commonwealth, for regulating the concerns thereof; & the said Corporation may then and there agree upon such method of calling Meetings in future, as they shall judge proper.

Books to be
subject to
inspection.

SECT. 7. *And be it further Enacted by the authority aforesaid*, that the said Corporation shall within six months after the said Road is completed, lodge in the Secretary's Office an Account of the expences thereof, and that the said Corporation shall annually exhibit to the Governor & Council a true Account of the Income or Dividend arising from the said Toll, with their necessary annual Disbursements, on said Road, & that the Books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Shares of delinquents may be sold.

SECT. 8. *And be it further Enacted*, that whenever any Proprietor shall neglect or refuse to pay any Tax or Assessment duly voted & agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorised to sell at public Vendue, the Share or Shares of such Delinquent Proprietor, one or more, as shall be sufficient to defray said Taxes and necessary incidental charges, after duly notifying in the Newspapers printed at Greenfield, Worcester, and in the paper printed by the Printer of the General Court at Boston the sum due on any such shares, & the time & place of Sale, at least thirty days previous to the time of Sale, and such sale shall be a Sufficient transfer of the share or Shares so sold to the Person purchasing; & on Producing a Certificate of such sale from the Treasurer to the Clerk of said Corporation the name of such purchaser with the number of shares so sold shall be by the Clerk entered on the Books of the said Corporation & such person shall be considered to all intents & purposes the proprietor thereof & the overplus, if any there be, shall be paid on Demand by the Treasurer to the person whose shares were then Sold.

To be advertised, &c.

SECT. 9TH. *And be it further Enacted* that the said Corporation shall at all places where the said toll shall be collected erect & keep constantly exposed to view a sign or board with the rates of toll of all the Tollable articles fairly & legibly written thereon in large or Capital Characters. Sign board to be erected.

SECT. 10TH. *And be it further enacted* that the General Court may dissolve said Corporation whenever it shall appear to their satisfaction that the income arising from the said toll shall have fully compensated the said Corporation for all monies, they may have expended in purchasing, repairing & taking care of the said road together with an Interest thereon at the rate of Twelve Per. Centum by the year, & thereupon the property of the said Road shall be vested in this Commonwealth & be at their disposal; *provided*, that if the said Corporation shall neglect to compleat the said Turnpike road, for the space of four years from the passing of this Act, the same shall become void & of no effect. Corporation may be dissolved. *Approved March 1, 1799.*

RESOLVES
OF
MASSACHUSETTS.

1798.

RESOLVES

OF THE

GENERAL COURT

OF THE

COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE THIRTIETH DAY OF
MAY, ANNO DOMINI, 1798.

BOSTON:

PRINTED BY YOUNG & MINNS,

Printers to the Honorable the General Court.

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RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE THIRTIETH DAY OF *MAY*,
ANNO DOMINI, 1798.

His Excellency **INCREASE SUMNER**, Esquire.
Governor.

His Honor **MOSES GILL**, Esquire.
Lieutenant Governor.

COUNSELLORS.

Honorable Thomas Dawes,
John Hastings,
Eleazer Brooks,
Oliver Wendell,
Stephen Choate,
Esqrs.

Honorable Elisha May,
Simon Frye,
Josiah Stearns,
Daniel Whitney,
Esqrs.

SENATORS.

Hon. **SAMUEL PHILLIPS**, L.L.D. *President.*

SUFFOLK.

MIDDLESEX.

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Thomas Davis, Esqrs.

Hon. Ebenezer Bridge,
Timothy Bigelow, Esqrs.

ESSEX.

WORCESTER.

Hon. Samuel Phillips,
Nathan Dane,
John Norris,
Ebenezer March, Esqrs.

Hon. Salem Town,
Elijah Brigham,
Bezaleel Taft,
Thomas Hale, Esqrs.

RESOLVES, 1798. — MAY SESSION.

SENATORS — *Concluded.*

HAMPSHIRE.	DUKES COUNTY AND NANTUCKET.
Hon. David Sexton, Samuel Fowler, Thomas Dwight, Ebenezer Hunt, Esqrs.	Hon. Isaac Coffin, Esq.
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Hon. John Bacon, Thomas Ives, Esqrs.	Hon. Nathaniel Wells, Esq.
PLYMOUTH.	CUMBERLAND.
Hon. Isaac Thompson, Beza Howard, Esqrs.	Hon. Stephen Longfellow, Daniel Davis, Esqrs.
BRISTOL.	LINCOLN, HANCOCK AND WASHINGTON.
Hon. Samuel Tobey, Esq.	Hon. Alexander Campbell, Nathaniel Dummer, Esqrs.
BARNSTABLE.	NORFOLK.
Hon. David Thacher, Esq.	Hon. Ebenezer Thayer, John Read, Seth Bullard, Esqrs.

HOUSE OF REPRESENTATIVES.

Hon. EDWARD H. ROBBINS, Esquire, *Speaker.**County of SUFFOLK.*

<i>Boston</i> , Joseph Russell, John Codman, William Smith, Arnold Welles, jun.	<i>Boston</i> , John Lowell, jun. Mr. Samuel Cobb, Joseph May, <i>Hingham</i> , Jacob Leavitt.
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County of NORFOLK.

<i>Roxbury</i> , Ebenezer Seaver, <i>Dorchester</i> , John Howe, <i>Dedham</i> , Isaac Bullard, <i>Wrentham</i> , Nathan Comstock, <i>Weymouth</i> , Eliphalet Loud, <i>Medfield and Dover</i> , John Baxter,	<i>Milton</i> , Edward H. Robbins, <i>Quincy</i> , Benjamin Beale, <i>Franklin</i> , Jabez Fisher, <i>Needham</i> , Jonathan Kingsbery, <i>Brookline</i> , William Aspinwall.
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County of ESSEX.

<i>Salem</i> , John Treadwell, Benjamin Pickman, jun. William Prescott, <i>Newbury Port</i> , Enoch Titcomb, jun. <i>Newbury</i> , Josiah Little, <i>Ipswich</i> , Nathaniel Wade, <i>Andover</i> , Joshua Holt, <i>Marblehead</i> , Nathan Bowen, <i>Beverly</i> , Joseph Wood, <i>Gloucester</i> , John Rowe,	<i>Danvers</i> , Israel Hutchinson, <i>Haverhill</i> , Nathaniel Marsh, <i>Rowley</i> , George Todd, <i>Lynn and Lynnfield</i> , James Robinson, <i>Salisbury</i> , Joshua Follinsbe, <i>Bradford</i> , Peter Russell, <i>Amesbury</i> , William Lurvey, <i>Methuen</i> , William Russ, <i>Boxford</i> , Thomas Perley, <i>Wenham</i> , Samuel Blanchard.
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HOUSE OF REPRESENTATIVES—Continued.

County of MIDDLESEX.

Cambridge, Aaron Hill,
 Charlestown, Richard Devens,
 Marlborough, Edward Barnes,
 Reading, Henry Putnam,
 Concord, Ephraim Wood,
 Woburn, Samuel Thomson,
 Framingham, Jonathan May-
 nard,
 Newton, Timothy Jackson,
 Watertown, Amos Bond,
 Billerica, Jonathan Bowers,
 Waltham, Abner Sanderson,
 Chebbsford, John Minot,
 Medford, Ebenezer Hall,
 Weston, Artemas Ward,

Westford, Abel Boynton,
 Sudbury, Jonathan Rice,
 Lexington, Joseph Simonds,
 Hopkinton, Walter McFarland,
 Holliston, James Mellen,
 Malden, Edward Wade,
 Pepperell, Joseph Heald,
 Dracut, William Hildreth,
 Littleton, Sampson Tuttle,
 Stow and } Charles Whitman,
 Boxboro', }
 Acton and } Jonas Brooks,
 Carlisle, }
 Lincoln, Samuel Hoar.

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Worcester, Nathaniel Paine,
 Sutton, Jonathan Woodbury,
 Barre, Edmund Howes,
 Petersham, John Chandler,
 Sturbridge, Frederick Plimpton,
 Charlton, Ebenezer Davis,
 Hardwick, Jonathan Warner,
 Sterling, William Putnam,
 Princeton, Ebenezer Parker,
 Lancaster, John Sprague,
 Mendon, Phillip Amundon,
 Harvard, Joseph Stone,
 Spencer, Benjamin Drury,
 Westminster, Ebenezer Jones,
 Leicester, William Henshaw,
 Shrewsbury, Jonah Howe,
 Leominster, Thomas Gowing,
 Westborough, Nathan Fisher,
 Grafton, Nathaniel Adams,

Holden, John Dodds,
 Boylston, James Longley,
 Western, Reuben Read,
 New Braintree, Elias Hall,
 Templeton, Silas Cutler,
 Bolton and Berlin, Silas Holman,
 Dudley, Thomas Larned,
 Fitchburgh, Joseph Fox,
 Winchendon, Israel Whiton,
 Oxford, Sylvanus Town,
 Milford, Samuel Jones,
 Hubbardston, William Muzzey,
 Royalston, Phillip Sweetser,
 Athol, Josiah Goddard,
 Northborough, Isaac Davis,
 Oakham, John Boyd,
 Ashburnham, Samuel Wilder,
 Lunenburg, Jacob Welsh.

County of HAMPSHIRE.

Northampton and { Levi Shepard,
 Easthampton, { Joseph Ly-
 man,
 West-Springfield, Jonathan
 Smith,
 South-Hadley, Ruggles Wood-
 bridge,
 Granville, Jacob Bates, Enoch
 Bancroft,
 Westfield, James Taylor,
 Deerfield, John Williams,
 Conway, William Billings,
 Amherst, Zebina Montague,
 Blandford, William Knox, 3d,

Belcherton, Park Holland,
 New-Salem, Varney Pearce,
 Hadley, Charles Phelps,
 Monson, Abner Brown,
 Worthington, Ezra Starkweather,
 Colrain, Hugh McClellen,
 Greenfield and Gill, Moses Bas-
 com,
 Northfield, John Barrett,
 Greenwich, Thomas Powers,
 Southampton, Isaac Parsons,
 Palmer, Isaac Warren,
 Warwick and Orange, Josiah
 Cobb,

*HOUSE OF REPRESENTATIVES — Continued.**County of HAMPSHIRE — Concluded.*

<i>Southwick</i> , Saul Fowler,	<i>Westhampton</i> , Sylvester Judd,
<i>Cumington and Plainfield</i> , James Richards,	<i>South Brimfield and Holland</i> , John Polley,
<i>Ware</i> , William Bowdoin,	<i>Shutesbury</i> , John Powers,
<i>Bernardston and Leyden</i> , Lemuel Foster,	<i>Hawley</i> , Edmund Longley.

County of BERKSHIRE.

<i>Pittsfield</i> , John C. Williams,	<i>Richmond</i> , David Rossiter,
<i>Sheffield and Mt. Washington</i> , John Ashley, jun.	<i>Adams</i> , Abraham Howland,
<i>Williamston</i> , William Towner,	<i>Lenox</i> , Azariah Eggleston,
<i>Stockbridge</i> , Ephraim Williams,	<i>Lee</i> , Josiah Yale,
<i>Sandisfield and Southfield</i> , John Canfield,	<i>Cheshire</i> , Jonathan Richardson,
<i>New Marlborough</i> , Benjamin Wheeler,	<i>West Stockbridge</i> , Samuel Baldwin.

County of PLYMOUTH.

<i>Bridgewater</i> , Nahum Mitchell,	<i>Pembroke</i> , John Turner,
<i>Middleborough</i> , Nathaniel Wilder,	<i>Marshfield</i> , Elijah Phillips,
<i>Scituate</i> , Elijah Turner,	<i>Abington</i> , Aaron Hobart,
<i>Plymouth</i> , Nathaniel Goodwin,	<i>Duxbury</i> , Judah Alden,
	<i>Hanover</i> , Benjamin Bass.

County of BRISTOL.

<i>Rehoboth</i> , Phaniel Bishop,	<i>Norton</i> , Seth Smith, jun.
<i>Taunton</i> , Nicholas Tillinghast,	<i>Dighton</i> , George Ware,
<i>New Bedford</i> , Seth Spooner,	<i>Swansey</i> , Christopher Mason,
<i>Dartmouth</i> , Holder Slocum,	<i>Somerset</i> , John Bowers.
<i>Freetown</i> , Nathaniel Morton,	

County of DUKES COUNTY.

Chilmark, Matthew Mayhew, jun.

County of NANTUCKET.

Nantucket, Micajah Coffin.

County of BARNSTABLE.

<i>Barnstable</i> , David Scudder,	<i>Dennis</i> , Micajah Sears,
<i>Sandwich</i> , William Bodfish,	<i>Chatham</i> , Richard Sears,
<i>Harwich</i> , John Dillingham,	<i>Wellfleet</i> , Hezekiah Doane,
<i>Falmouth</i> , Timothy Crocker,	<i>Truro</i> , Anthony Snow,
<i>Yarmouth</i> , David Thacher, jun.	<i>Orleans</i> , Simeon Kingman.

County of YORK.

<i>Berwick</i> , John Lord,	<i>Kittery</i> , Mark Adams,
<i>Wells</i> , John Storer,	<i>York</i> , Esaias Prebble.

HOUSE OF REPRESENTATIVES — *Concluded.**County of YORK — Concluded.*

<i>Arundell</i> , Thomas Perkins, 3d,	<i>Pepperelborough</i> , Thomas G.
<i>Biddeford</i> , Daniel Hooper,	Thornton,
	<i>Buxton</i> , John Woodman.

County of CUMBERLAND.

<i>Portland</i> , Woodbury Storer,	<i>Freeport</i> , James Curtis,
<i>Falmouth</i> , Daniel Hsley,	<i>Brunswick</i> , William Stanwood,
<i>North Yarmouth</i> , Samuel P. Russell,	<i>Buckfield</i> , Samuel Andrews.

County of LINCOLN.

<i>Bristol</i> , Samuel Tucker,	<i>Warren</i> , Samuel Sumner Wild,
<i>Georgetown</i> , Mark L. Hill,	<i>Augusta</i> , James Bridge,
<i>Pownalborough</i> , Silas Lee,	<i>Cushing</i> , Edward Killaran,
<i>Bath</i> , Francis Winter,	<i>Winthrop</i> , Nathaniel Fairbanks,
<i>Woolwich</i> , Samuel Harnden,	<i>Readfield</i> , Robert Page,
<i>Boothbay</i> , William McCobb,	<i>Lewiston</i> , John Herrick,
<i>Thomaston</i> , Josiah Reed,	<i>Cumden</i> , Samuel Jacobs,
<i>Pittston</i> , Henry Dearborn,	<i>Farmington</i> , Supply Belcher.

County of HANCOCK.

<i>Castine</i> , Oliver Mann,	<i>Orrington</i> , Oliver Leonard,
<i>Deer Isle</i> , Ignatius Haskell,	<i>Frankfort</i> , Francis L. B. Goodwin.
<i>Penobscot</i> , Pelatiah Freeman,	

*County of WASHINGTON.**Machias*, Phineas Bruce.ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT THE
OPENING OF THE SESSION.*May it please your Excellency,*

It is with singular satisfaction that the Senate of Massachusetts again see you invested with the office of first magistrate, by the voluntary suffrages of your fellow citizens. The unanimity which has been discovered by your constituents upon this occasion, as it affords the best evidence of their confidence and respect, we trust will be as highly pleasing as it certainly is honourable to your Excellency.

The citizens of this as well as of the other States in the Union, living under forms of Government prescribed by themselves, and administered by men of their own choice ;

possessed also, as your Excellency has wisely remarked, of the best pledge for the good conduct of their rulers that they themselves are equally subject to the laws which they enact with those whom they represent, are (in our opinion) in the actual enjoyment of as great a degree of civil liberty as is compatible with the welfare and good order of Society. Already free and happy, we are persuaded that the people of the United States too justly appreciate the political blessings they now enjoy, and have too much virtue and firmness ever to be induced by the insidious machinations or open force of their enemies to hazard a change. Much less will they abandon establishments which experience has approved, for the visionary schemes of restless or designing men. Conscious, as they are, of a competent degree of information, they will still believe that they are capable of determining for themselves what political institutions or public measures will best promote their happiness.

We are not insensible of our critical and alarming situation with respect to the Government of France and cannot but lament that the purity of our intentions and rectitude of our conduct have not been able to afford us any security against unjust aggressions. After unprovoked and even wanton depredations on our commerce for which we were undoubtedly entitled to demand satisfaction, it is with surprize we find our Envoys called upon for large sums of money as the price of an Audience — A conduct equally insulting to our national honour and unjust in itself. Should we comply with terms so disgraceful, the measures of the French Govt. towards other powers, afford just grounds to expect that fresh aggressions would be practised in order to extort farther contributions: And that the sums thus obtained would be employed in further exciting and fomenting internal divisions in our Country. The people of the United States have too much discernment not to perceive these pernicious consequences and too much virtue to sink into a state of tributary vassalage without “one manly struggle.”

We ardently wish for peace, and sincerely deprecate the necessity of resorting to arms. But While with humble confidence we look up to the Supreme Arbiter of Nations for his protection and blessing, we doubt not our Countrymen will be as prompt to defend, as they were gallant to acquire, their freedom and independence.

We hesitate not to declare our opinion that the Executive of the United States has taken every measure consistent with the honour and dignity of our nation for an amicable adjustment of all misunderstanding with the French Government. With these impressions, as far as depends on us, we pledge ourselves as citizens, and as part of the constituted authority of this Commonwealth, to co-operate with your Excellency, and the other branch of the Legislature, at every hazard, in giving the most vigorous effect to such measures as the Government of the Union may deem necessary to protect the rights, liberty and independence of the United States. And we feel it equally our duty to discountenance such characters as propagate sentiments and opinions incompatible with the honor and safety of our Country.

The several matters more particularly recommended to our consideration by your Excellency shall receive immediate attention. We are well assured of your Excellency's concurrence in such measures as shall have for their object the security, peace and prosperity of the people of this Commonwealth; and doubt not that the whole of your official conduct, will fully justify the esteem and confidence of your fellow citizens.

ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

May it please your Excellency,

The House of Representatives of the Commonwealth of Massachusetts, estimate more highly the ancient and laudable custom of addressing the First Magistrate of a free people, as it affords them the peculiar grateful occasion of congratulating your Excellency, upon your unexampled and almost unanimous re-election to your dignified and important office: an event, which fully evinces the public approbation of your Excellency's past, as well as the highest confidence in your future administration. To a liberal and enlightened mind, accustomed to survey with attention the social and political situation of the world, this tribute of respect must be more acceptable at a moment, when almost every government in Europe is either convulsed by intestine faction or threatened with external invasion, subjugation, and destruction. — A novel and alarming principle, overwhelming in its destructive

progress, Religion, social order and happiness, violating the rights of property, and demoralizing the human mind, has been permitted by divine providence, to scourge the European world. This dreadful principle has been the more dangerous as it has been propagated under the endearing and interesting names of liberty and equal rights. But sad experience has too fully proved that whatever may have been the pretexts of artful and unprincipled men to deceive the people, and to render them the unconscious instruments of wicked ambition, their real scope has become tyranny, their object domination. In the rapid accomplishment of these nefarious designs, so fatal to true liberty, no weapon has been more artfully and more successfully employed, than the one which your Excellency has with so much propriety noticed. — He is not a Republican — He cannot be a friend to freedom — He is our foe, and must meditate the destruction of all free government, who will maintain the position, “that the officers of a free government have a different interest from that of the people.” The art of separating the people of every nation from its government, when directed to that end, is the most important engine of disorganization and anarchy, ever invented by the ingenuity of man.

We heartily concur with your Excellency, in the sentiment, that whatever may be the situation of other countries, in our own the interest of the people and of their government, are inseparably connected. The idea is too absurd to be indulged, that the rulers of a country so free, will ever counteract their own interest, infringe the rights and liberties of their own families and connexions, for the purpose of oppressing the people. The good sense and information of the citizens of the United States is the surest pledge of their fidelity.

That they cannot, and will not listen to suggestions injurious to the government of their choice, that they will not entertain unreasonable jealousies, but will always give a decided support to the constitutional measures of their own administration, their past history, and the events of the present moment, most fully evince.

We regret, with extreme sensibility, that the situation of our foreign relations compels us reluctantly to withdraw our attention from the more local concerns of this Commonwealth, and to view with anxious solicitude those of our nation at large. When we review the conduct of the

Government of the United States, during the late convulsions of Europe, we recognize the truth and justice of the picture which your Excellency has drawn. In the commencement of the present war, disastrous and calamitous beyond example, prudence, and the soundest policy required that the United States should assume and maintain a neutral position.

Removed from those local causes which have perpetually occasioned and inflamed the contentions of Europe, and possessing an extensive commerce, a luxuriant soil, and an enterprising spirit, we had a right to calculate upon the immense advantages and emoluments arising from an increasing commerce, under the protection of an impartial neutrality.

Divesting ourselves as far as possible of national partiality, we cannot discern in the conduct of our administration, any departures from the obligations imposed by a neutral situation — on the other hand, it is not to be concealed that we have experienced from some of the belligerent nations, aggressions, and outrages not warranted by the fair and liberal conduct which we have uniformly exhibited. With two of those nations we have already settled our existing difficulties, upon terms of amicable compromise, and we regret with your Excellency, that the government of the other has not been equally disposed to meet our conciliatory advances with a liberal spirit of accommodation. This want of candor was the less to have been expected, as the Government of the United States, have been the first to cherish an honest and ardent enthusiasm for their cause, so long as it was esteemed the cause of liberty — have faithfully fulfilled every obligation arising from existing compacts — and have afforded every aid, consistent with the impartial situation which they had assumed. — Contrasted with this fairness — this liberality — this punctilious good faith on the part of the United States, we have beheld with regret, with astonishment and indignation, aggressions unprovoked, not only countenanced and encouraged, but authorized; repeated attempts at negotiation spurned at, and our messengers of peace treated with a neglect and contumely, unprecedented in the diplomatic history of civilized nations. Not content with heaping injury upon outrage, we have seen insolence superadded to injustice. We have been charged with intestine divisions, and the humiliating example of

Venice has been held up to terrify us into a compliance with arbitrary exactions. But it is with pleasure that this House assure your Excellency, that they feel themselves authorized to declare, that those who entertain so derogatory an opinion of the citizens of the United States are unacquainted with their true character, and that they will yet learn to their mortification, that however they may differ on local and less important questions, there is but one prevailing sentiment on the present important situation of their country — that they will not surrender its honor or independence to the exactions or arbitrary mandates of any foreign nation whatsoever. At a moment like the present, therefore, the House of Representatives highly approve the decision and temperate firmness discovered by your Excellency, and they esteem it their duty as it is their pride, to assure you, that they feel an undiminished confidence in the constituted authorities of their country, and that the State of Massachusetts will be, as it ever has been, among the foremost to cooperate in any measures for the defence of their Rights, Liberties and National Sovereignty.

The defence of our sea coast, the fortifications on Castle Island, and the other important subjects which are mentioned by your Excellency, merit and shall receive our early deliberation and serious attention; and your Excellency may rest assured of our constant, unremitted and zealous assiduity, in promoting all such measures, as in your opinion, and that of this House, shall conduce to the public weal.

ADDRESS OF THE LEGISLATURE TO THE PRESIDENT OF THE UNITED STATES.

To the President of the United States,

SIR: — The Legislature of Massachusetts, ever anxious, and long habituated, to take an early and decided part, in whatever relates to the safety and welfare of their country, beg leave to join the united voice of your fellow citizens, in offering you a testimony of their respect & Confidence.

As a native citizen of our Commonwealth, and as the supreme Executive of the government of our deliberate choice, we feel for you those sentiments of attachment and veneration, which the recollection of your long, distinguished, and successful services are calculated to excite: — and if the measures of a wise and virtuous administra-

tion, such as we believe *yours* to have been, can receive aid or sanction from our most decided and unequivocal approbation, our duty in expressing it will be discharged with increased satisfaction

It is with a mixture of indignation and regret, that we learn the state of our negotiations with the French Republic. From a careful review of our relations with France, and of the unremitting efforts of the national government, to preserve and perpetuate her friendship, we might readily have believed that there could be no crisis in the progress of her political career, in which our tranquillity could have been disturbed. But amidst the collision of parties, France has lost the object of her revolution. She once fought for liberty; — she now contends for dominion; — And having declared, by the voice of her executive, that “she ought to become the model and the Arbiter of Nations” has violated the rights of every neutral people, and prostrated the Governments of most of the Republics of Europe.

Should any further attempts, either to controul the government, or subjugate the people of the United States, be the result of her inordinate ambition, the citizens of Massachusetts, will meet them with the firm and determined spirit of Freemen; — and as they have been among the *first to defend*, will be the *last to resign* the rights of national sovereignty.

In this all important conflict, we expect the ready & zealous co-operation of the free and enlightened people of America: — and our country, having adopted every reasonable measure to avert the calamities of war, may, with humble confidence, rely upon *The God of our Fathers* for protection & success.

A people by whom the blessings of civil and religious liberty are enjoyed and duly appreciated, will never surrender them but with their lives. We will never forget, that our charter to *this liberty*, is sealed by the blood of Americans! and we pledge to you the *patriotism*, and *all the energies* of our constituents, that it shall never be violated by the sacriligious hand of foreign power. We also most solemnly pledge ourselves, to support every measure which the government of the United States, at this momentous period may see fit to adopt, to protect the commerce, and preserve the Independance of our Country.

June 7, 1798.

Chapter 1.

RESOLVE PROVIDING FOR AN ADDITIONAL NOTARY PUBLIC IN CHARLESTOWN.

Resolved That for the better accomodation of the Inhabitants of Charlestown and its vicinity there be chosen in the present Session of the General Court and annually hereafter an additional notary publick for the County of Middlesex, resident in said town. *June 7, 1798.*

Chapter 2.

RESOLVE ON THE PETITION OF WILLIAM KNOX, 3d, AUTHORIZING THE COMMITTEE APPOINTED IN JUNE LAST, TO REPAIR TO THE TOWNS OF BLANDFORD, CHESTER AND RUSSELL, FOR THE PURPOSES MENTIONED, AND TO REPORT AS SOON AS CONVENIENT.

On the Petition of William Knox, 3d. in behalf of the town of Blandford setting forth that the Committee appointed by the Resolve passed in June last to adjust & determine the line between that town & the towns of Russel & Chester have never attended that service.

Resolved that the said Committee to wit Thomas Dwight Nahum Eagur & Jacob Bates Esquires be & they hereby are authorized to repair to the said towns of Blandford, Chester & Russel & after having given due notice to the selectmen of the said towns to proceed to adjust & determine the said line between the aforesaid towns at their expence, & the said Committee are to make report to the General Court as soon as may be convenient.

June 7, 1798.

Chapter 3.

RESOLVE ON THE PETITION OF THE TOWN OF CAPE ELIZABETH, ABATING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE IN 1797.

On the petition of the Town of Cape Elizabeth praying to be abated a fine set upon that Town, for not choosing a Representative the last year, for the reasons set forth in their petition.

Resolved that the sum of sixty nine Dollars and seventy two Cents, set to the Town of Cape Elizabeth as a fine for neglecting to choose a Representative to serve in the

General Court in the year one thousand seven hundred & ninety seven, be and hereby is abated — and the Treasurer is directed to govern himself accordingly.

June 8, 1798.

Chapter 3A.*

ORDER ON THE PETITION OF ISAAC HEARD AND OTHERS.

On the petition of Isaac Heard and others, Inhabitants of the Town of Limington in the County of York, praying to be incorporated into a separate Religious Society.

Ordered, that the petitioners notify the said Town of Limington, by serving the Clerk thereof with an attested copy of their petition and this order thereon, thirty days at least before the second Wednesday of the next Session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 8, 1798.

Chapter 4.

RESOLVE ON THE PETITION OF JOSEPH MAY, DIRECTING THE TREASURER TO RECEIVE THE NOTE MENTIONED.

On the petition of Joseph May, of Boston, in the County of Suffolk, Esquire, praying that the treasurer of the Commonwealth aforesaid may be directed to receive of him, on the loan proposed, by an act of said Commonwealth, passed on the first day of February A D. 1794, an Army note, made on the first day of January A D. 1782, to one Benjamin Elwell, for the sum of Seven pounds four shillings and one penny, of which note the said Joseph is now the owner, and to which the signature of the (then) treasurer of said Commonwealth, through inattention was not affixed.

Resolved that the prayer of said petitioner be granted and that the treasurer, of said Commonwealth be and hereby is directed to receive the said note, of the said Joseph, on the loan aforesaid, and to issue a certificate to him, agreeably to the provisions in said act, in the same manner as he would have been authorized to do, *provided* the treasurer, who issued said note, had duly signed the same.

June 8, 1798.

* Not printed in previous editions. Taken from court record.

Chapter 5.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE THE TREASURER'S ACCOUNTS.

Resolved, that Thomas Dawes & Thomas Davis — Esquires, be a Committee to examine and adjust the accounts of the Treasurer of this Commonwealth, from the last day of June last, to the first day of July next; and that the said Committee are empowered and directed to deface all notes, due bills, orders, &c. issued under the authority of this Commonwealth, by any officer thereof, that have been redeemed by the Treasurer during the time aforesaid: And to report an account of their proceedings at the next Sessions of the General Court.

June 9, 1798.

Chapter 5A.*

ORDER ON THE PETITION OF SAMUEL CUTLER.

On the petition of Samuel Cutler, praying that he may no longer be held to pay parish Taxes in Medway, for that part of his farm which lies therein, bu[t] that the same may in future be taxed by the Parish in Holliston.

Ordered that the Petitioner notify the first or East parish in the Town of Medway, by serving the Clerk thereof with an attested Copy of said petition and this order thereon, thirty days at least before the second Thursday of the next Session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 9, 1798.

Chapter 6.

RESOLVE AUTHORISING THE TREASURER TO CONTRACT WITH ROBERT HALLOWELL FOR THE LAND MENTIONED.

Whereas Robert Hallowell Esquire hath petitioned this Legislature to relinquish this Commonwealth's right and title to a seventy second part of certain lands in the County of Lincoln being in common with the petitioner which was Benjamin Hallowell's share and confiscated:

Resolved that the Treasurer of this Commonwealth or his successor in that office be and hereby is authorised

* Not printed in previous editions. Taken from court record.

and directed to contract with said Robert Hallowell and sell him the seventy second undivided part of said land belonging to this Commonwealth for a reasonable price, all circumstances considered, and to give him a quitclaim deed for the same.

June 9, 1798.

Chapter 6A.*

ORDER ON THE PETITION OF THE INHABITANTS OF THE SOUTH PARISH IN SCITUATE.

On the Petition of the Inhabitants of the South Parish in Scituate, praying that the doings of said Parish in selling and conveying their Parsonage lands and buildings may be made valid; and for an incorporation of Trustees for the management of the Funds of said Parish.

Ordered, that the Petitioners notify all persons concerned, by posting up attested Copies of their petition and this order thereon, at the several places of public worship in said Scituate, thirty days at least before the second wednesday of the next Session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 9, 1798.

Chapter 7.

RESOLVE ON THE GOVERNOR'S MESSAGE, AUTHORIZING HIM TO LOAN TO THE UNITED STATES A NUMBER OF CANNON THAT MAY BE REQUIRED FOR THE FRIGATE CONSTITUTION UPON THE CONDITIONS MENTIONED IN A LETTER FROM THE SECRETARY OF WAR.

Whereas his Excellency the Governour in his message of 7th Inst. stated that "he has received a letter from James McHenry Esqr. Secretary of War, dated 30th ulto. representing that the Government of the United States, have found it impracticable to supply the Cannon necessary for the upper Battery of the Frigate Constitution, in the harbour of Boston, & requesting by direction of the President of the United States the loan of a number of Cannon, now lying useless on Castle Island & which were designed for Ship's use, & improper for that Fortress; & that the Secretary engages to return them as soon as others can be procured, & in the mean time, if desired,

* Not printed in previous editions. Taken from court record.

to order a number of thirty two pound Cannon, from Providence to Boston for the defence of the Town & Harbour." — th. refore

Resolved That his Excellency the Governour be & he hereby is, authorized to loan to the United States any number of said Cannon, not exceeding sixteen (with suitable shott if not necessary for the Fortress) that may be required for the use of the Frigate Constitution, upon the Conditions mentioned in the aforesaid Letter of the Secretary of War.

June 9, 1798.

Chapter 7A.*

ORDER ON THE PETITION OF JOHN SCOTT AND JOSIAH BURNHAM.

On the petition of John Scott and Josiah Burnham of Durham in the County of Cumberland, praying that they may be set off from the town of Durham and annexed to the town of Freeport.

Ordered, that the petitioners serve the respective Clerks of the towns of Durham and Freeport, with an attested Copy of their petition with this order thereon, sixty days at least before the second Wednesday of the next Session of the General Court, that all persons interested may then appear and shew cause (if any they have) why the prayer of said petition should not be granted. *June 11, 1798.*

Chapter 8.

RESOLVE ON THE PETITION OF THE EAST PARISH IN SALISBURY, EMPOWERING THE COMMITTEE MENTIONED TO SELL THE LAND.

On the Petition of the East Parish in Salisbury, praying that liberty may be granted them to sell certain parcells of Land belonging to said Parish, appropriated by Authority to the Use & benefit of the Ministry of the parish aforesaid, for Reasons set forth in said Petition.

Resolved, That the Prayer of the Petition be granted, & that Daniel Moody, Ezra Merrill, & Josiah French, a Committee of the said Parish, be authorized & Empowered to Sell the Lands aforesaid, & to Execute good & Sufficient Deeds of the same. *Provided* the Money arising from the Sale of the said Lands, shall be vested by them, in Land, Marsh, or other real Estate, as shall

* Not printed in previous editions. Taken from court record.

appear to them to be most for the Interest of the said Parish, & to be holden for the use & Benefit of the Ministry thereof.

June 11, 1798.

Chapter 8A.*

ORDER ON THE PETITION OF JONATHAN KINGSBURY, JUNR.

On the Petition of Jonathan Kingsbury junr. praying to be set off from the Westerly Parish in the town of Needham and annexed to the Easterly Parish in said Town.

Ordered, that the Petitioner notify the said West Parish by serving the Clerk thereof with an attested Copy of his petition & this order thereon, thirty days at least before the second Thursday of the next Session of the General Court, that they may then appear and shew cause, (if any they have) why the prayer of said petition should not be granted.

June 11, 1798.

Chapter 8B.*

ORDER ON THE PETITION OF THE INHABITANTS AND FREEHOLDERS OF SOUTHFIELD.

On the petition of "the Inhabitants, Freeholders and Proprietors of lands belonging to Southfield in the County of Berkshire," praying that the boundaries of said Southfield may be restricted Easterly, to the West Bank of Farmington River.

Ordered, that the petitioners cause an attested Copy of their petition with this Order thereon, to be published three weeks successively in the Western Star, printed in Stockbridge, the last publication to be thirty days at least before the second Wednesday of the next Session of the General Court, that all persons interested may then appear and shew cause (if any they have) why the prayer of said petition should not be granted.

June 11, 1798.

Chapter 8c.*

ORDER ON THE PETITION OF THE INHABITANTS OF PEPPERELLBOROUGH AND BIDDEFORD.

On the petition of the Inhabitants of the towns of Pepperellborough and Biddeford, praying that provision be

* Not printed in previous editions. Taken from court record.

made for removing the obstructions to the passing of Salmon up Saco River.

Ordered, that the Petitioners notify all persons concerned, by serving one of the Owners of each of the Mill-dams upon said river, within the towns of Pepperellborough, Biddeford, and Buxton, with an attested Copy of their petitions, and this order thereon, Thirty days at least before the second Wednesday of the next Session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petitions should not be granted.

June 11, 1798.

Chapter 9.

RESOLVE FOR GRANTING TO RICHARD HUNNEWELL, THREE HUNDRED DOLLARS, FOR LAND SOLD TO THE COMMONWEALTH.

Resolved That there be allowed and paid out of the Public Treasury to Richard Hunnewell Esq. three hundred dollars in full for Mark Island so called, purchased of him by the Committee for the sale of Eastern lands pursuant to a Resolve passed the 9th of March 1797.

June 12, 1798.

Chapter 10.

RESOLVE ON THE PETITION OF NATHANIEL HARRINGTON AND OTHERS, EMPOWERING JOHN LOWELL, ESQ. TO MAKE AND EXECUTE A GOOD DEED OF THE SEVERAL PARTS OF THE LOT OF LAND MENTIONED.

On the petition of Nathaniel Harrington George Lapham and John Sheldon of Adams in the County of Berkshire stating that in the year of our Lord one thousand seven hundred and ninety four they severally contracted in writing not under seal with Israel Jones Esquire then the agent and attorney of Thomas Russel Esquire deed. for the purchase of second division Lot number forty four in said Adams then belonging to said Russel and of which he died seized in the following proportion, to wit the said Harrington for the North half of said lot supposed to contain one hundred acres the said Lapham for one fourth part of said lot being the Southwest corner thereof and the said Sheldon for the other fourth part being the Southeast corner of said lot, each part about fifty acres for divers sums of money part of which have been paid — and praying that

the Honorable John Lowell Esquire administrator of the goods and estate of the said Thomas Russel may be empowered to convey said lot agreeable to the contract aforesaid.

Resolved that said John Lowell in his said capacity be and he is hereby empowered to make and execute good and sufficient deeds to the said Harrington Lapham and Sheldon their heirs and assigns of the several parts of the said lot, and in the several proportions, they respectively contracted for, upon their paying to the said administrator the several sums of money due on their respective contracts, with lawful Interest thereon to the time of such conveyance.

June 12, 1798.

Chapter 10A.*

ORDER ON THE PETITION OF DANIEL LAMB AND OTHERS.

On the petition of Daniel Lamb and others, Inhabitants of the towns of Springfield, South Hadley and West Springfield, praying to be incorporated into a separate Religious Society.

Ordered that the petitioners notify the said Towns, by serving the Clerks thereof respectively, with an attested copy of their petition & this order thereon, thirty days at least before the second Thursday of the next Session of the General Court, that they may then appear & shew cause, if any they have, why the prayer of said Petition should not be granted.

June 12, 1798.

Chapter 11.

RESOLVE FOR APPOINTING A NOTARY PUBLIC FOR THE COUNTY OF LINCOLN, TO BE STATIONED AT BOOTHBAY.

Resolved that from & after the passing of this Resolve there be chosen annually a Public Notary for the County of Lincoln to reside at Boothbay, in addition to the number heretofore appointed for the said County.

June 12, 1798.

* Not printed in previous editions. Taken from court record.

Chapter 12.RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE
GENERAL COURT.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to each member of the Council, Senate and house of Representatives, two dollars per day for each days attendance the present session and a Like sum for every ten miles distance from their respective places of abode to the place of the Setting of the General Court — *be it further resolved*, that there be paid to the President of the Senate and Speaker of the House of representatives, each two Dollars per day for each days attendance over and above their pay as Members.

June 12, 1798.

Chapter 12A.*ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN
OF BELCHERTOWN.

On the Petition of the Inhabitants of the Town of Belchertown, praying that the doings of sundry Town Meetings in said Town (where the Town Clerk has neglected to record the Constables returns on the warrants for calling said Meetings) may be made good and valid.

Ordered, that the Petitioners notify all persons interested, by serving the Town Clerk of said Belchertown with an attested copy of their Petition and this order thereon, and by posting up attested copies of said Petition and order at the several public places in said Town where it has been usual to post up notifications for calling Town Meetings, also to publish the same in one of the Newspapers published in Boston & Northampton, thirty days at least before the second Wednesday of the next Session of the General Court, that they may then appear and shew cause, if any they have why the prayer of said Petition should not be granted.

June 12, 1798.

* Not printed in previous editions.

Chapter 13.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WINTHROP, DIRECTING THE TREASURER TO SUSPEND HIS EXECUTION.

On the petition of the Select Men of the town of Winthrop praying for suspension of the payment of the State Tax due from said town for the year 1797.

Resolved for reasons set forth in said petition that the Treasurer of this Commonwealth be directed to suspend issuing his Execution against said Town of Winthrop until the 2nd Wednesday of the next session of the General Court.

June 13, 1798.

Chapter 14.

RESOLVE ON THE PETITION OF JAMES WASHBURN, AUTHORIZING HIM TO ENTER AND PROSECUTE AN APPEAL AT THE NEXT SUPREME JUDICIAL COURT AT PLYMOUTH.

On the Petition of James Washburn Administrator of the Estate of Amos Washburn late of Middleborough deceased, praying that he may be allowed to prosecute an Appeal made by the said Amos in his life time in an action of covenant broken, wherein Zephaniah Briggs of said Middleborough was Appellee.

Resolved, for the reasons set forth in said Petition, that the said Administrator be & he hereby is authorized to enter & prosecute in the next Supreme Judicial Court to be holden at Plymouth within & for the County of Plymouth on the third Tuesday of May next, an appeal made by the said Amos in his life time, from a Judgment of the Court of Common Pleas holden at Plymouth within & for the County of Plymouth on the second Tuesday of August in the Year of our Lord one thousand seven hundred & ninety three, to the then next Supreme Judicial Court for the same County, in an action wherein the said Zephaniah Briggs was original Plaintiff & the said Amos Washburn Defendant. And the said Supreme Judicial Court are hereby authorized to proceed hear & determine the said Action in the same way & manner to all intents & purposes whatsoever as if the said Appeal had been prosecuted by the said Amos — and to do all things in the premises necessary & proper to be done for correcting the Errors if any in the former Judgments & proceedings aforesd. & for rendering complete Justice to the parties in

said Action. *Provided* that the said Administrator cause the said Zephaniah Briggs to be duly served with a Copy of this Resolve attested by the Secretary, fourteen days, at least, previous to the third Tuesday of May next.

June 14, 1798.

Chapter 15.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF HAVERHILL, EMPOWERING EDMUND BROWN TO COLLECT A DISTRICT SCHOOL HOUSE TAX COMMITTED TO HIM IN 1792.

On the Petition of the Selectmen of the Town of Haverhill praying that Edmund Brown be authorised to Collect a district school house Tax Committed to him in the year 1792.

Resolved for the reason set fourth in said Petition that the assessors of the town of Haverhill for the time being be and they hereby are authorised and directed to Issue their warrent to the said Edmund Brown who shal thereby be authorised to collect the aforesaid Tax & pay the same into the Treasury of said Town for the use for which it was assessed.

June 14, 1798.

Chapter 16.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF BUCKFIELD. GRANT TO.

On the Petition of the Selectmen of the Town of Buckfield.

Resolved That there be allowed and paid out of the Treasury of this Commonwealth to the Treasurer of the town of Buckfield—the sum of two hundred and fifty seven Dollars & forty Nine cents Assesed on said Town and paid into said Treasury for taxes No. 10 N. 11 N. 12 N. 13—and the tax for the year 1797. Also that the tax assessed on said town for the year 1798 be abated, said Town being exempt by Law from state and Continental taxes untill November 1798 and the Treasurer is hereby directed to govern himself accordingly. *June 15, 1798.*

Chapter 17.

RESOLVE AUTHORISING THE TREASURER TO BORROW FIFTY THOUSAND DOLLARS OF THE UNION BANK.

Resolved, That the Treasurer of the Commonwealth, be and hereby is authorised and empowered to borrow of the

Union Bank a sum not exceeding fifty thousand dollars, for the purpose of discharging any grant allowed and ordered to be paid out of the public Treasury the present Session of the General Court, for which no special appropriation is made.

And it is further Resolved, that the Treasurer be directed to repay the money he may borrow pursuant to this Resolve from the first money that comes into the Treasury from the next State Tax. *June 16, 1798.*

Chapter 17A.*

ORDER ON THE PETITION OF THE SELECTMEN OF THE TOWN OF CHELSEA.

On the petition of the Selectmen of the town of Chelsea, praying for an act of this Government, to prevent persons from taking Stones, Gravel, Sand or Manure from the Beach in said town.

Ordered, that the said Selectmen notify all concerned by publishing an attested copy of their petition, with this order, in the Massachusetts Mercury three weeks successively, the last publication to be thirty days at least prior to the second Tuesday of the next Session of the General Court, that they may appear on said day, and shew cause, if any they have, why the prayer of said petition should not be granted. *June 18, 1798.*

Chapter 17B.*

ORDER ON THE PETITION OF LEVI YOUNG AND OTHERS.

On the petition of Levi Young and others, Inhabitants of Township No. 2, in the first Range of Townships, West of Kennebeck River, and north of Plymouth Claim, called New Vineyard, praying that they may be incorporated into a Town.

Ordered, that the petitioners, cause an attested Copy of their petition, with this order thereon, to be published three weeks successively in the Kennebeck Intelligencer, the last publication to be fifty days at least before the first Tuesday of the next Session of the General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted, and also why any adjacents to said Township may not, together therewith, be included in the same Incorporation. *June 18, 1798.*

* Not printed in previous editions. Taken from court record.

Chapter 17c.*ORDER ON THE PETITION OF THE INHABITANTS OF THE TOWN
OF BLANFORD.

On the petition of a number of the inhabitants of the town of Blanford, praying to be incorporated into a separate Religious Society by the name of the Protestant Episcopal Society in the town of Blanford.

Ordered that the petitioners notify the Inhabitants of the said town of Blanford by serving the Clerk thereof with an attested Copy of their petition and this order thereon, thirty days at least before the second Thursday of the next Session of the General Court, that they may then appear and shew cause if any they have, why the prayer of said petition should not be granted.

June 18, 1798.

Chapter 17d.*ORDER ON THE PETITION OF THE INHABITANTS OF NO. 7, ON
THE EAST AND WEST SIDES OF UNION RIVER.

On the petition of the Inhabitants of No. 7, on the East and West sides of Union River in the County of Hancock, praying that they may be incorporated into a Town.

Ordered, that the petitioners cause their petition with this order thereon, to be published three weeks successively in the Massachusetts Mercury, the last publication to be forty days before the second Wednesday of the first Session of the next General Court, that all persons interested may then appear and shew cause if any they have, why the prayer of said petition should not be granted.

June 18, 1798.

Chapter 18.RESOLVE ON THE PETITION OF THE INHABITANTS OF THE FIRST
PARISH IN THE TOWN OF DALTON.

On the Petition of the Inhabitants of the first Parish in the town of Dalton.

Resolved that the prayer thereof be granted & it is hereby resolved that the doings of the said town of Dalton and the officers chosen by them and duly sworn which

* Not printed in previous editions. Taken from court record.

were proper for the said first parish & its officers to have done, shall have the same force & validity, as well as the same effect, as though the said first parish had been properly & seasonably organized, so far as their doings would have been lawful and regular had they been done by the parish & parish officers.

June 18, 1798.

Chapter 18A.*

ORDER ON THE PETITION OF THE FIRST BAPTIST SOCIETY IN THE TOWN OF SANDISFIELD.

On the petition of the first Baptist Society in the town of Sandisfield, praying for a Bill in addition to the Act incorporating said Society, to enlarge the Corporate privileges thereof.

Ordered, that the petitioners notify all persons concerned by serving the Town Clerk of said Sandisfield with an attested Copy of their petition and this Order thereon, thirty days at least before the second Friday of the next Session of the General Court, that they may then appear & shew cause, if any they have, why the prayer of said petition should not be granted.

June 18, 1798.

Chapter 18B*.

ORDER ON THE PETITION OF SOLON STEPHENSON, AND OTHERS.

On the petition of Solon Stephenson, and others, Inhabitants of the town of Belfast, in the County [*of*] Hancock, praying to be incorporated into a sepearte Religious Society.

Ordered, that the petitioners notify the said town of Belfast, by serving the Clerk thereof with an attested Copy of their petition and this order thereon, thirty days at least before the second Tuesday of the next session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 18, 1798.

Chapter 18C.†

ORDER ON THE PETITION OF THE TOWN OF TEMPLETON.

On the Petition of the Town of Templeton praying that they may be restored to their Law and have leave to take

* Not printed in previous editions. Taken from court record.

† Not printed in previous editions.

out a New writ of Error upon a Judgement render'd against them in favor of the Town of Shutesbury.

Ordered that the Petitioners notify the Town of Shutesbury by causing the Town Clerk or some one of the Select Men of said Town to be served with an attested copy of said Petition and this order thereon, thirty days at least before the second Tuesday of the next session of the General Court, that said Town of Shutesbury may appear on said day & shew cause if any they have why the prayer of said Petition should not be granted. *June 19, 1798.*

Chapter 19.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF MONTGOMERY, CONFIRMING THE TRANSACTIONS OF THEIR TOWN MEETINGS.

On the Petition of the Inhabitants of the Town of Montgomery setting forth that their Town Meetings from the Time of their Incorporation to the present time have not been regularly & legally assembled, and praying that the transactions of said Inhabitants at said Meetings may be confirmed — And it appearing that the said Inhabitants have been notified to attend said Meetings, by notifications from the Select Men only.

Resolved that the transactions at said Meetings be and are hereby confirmed & rendered as valid as though the said Inhabitants at their several meetings had been legally assembled, any irregularity in the manner of warning said meetings to the contrary notwithstanding — *Provided however* that nothing herein contained shall be construed to affect the title of any lands sold or assessed as the Estate of any Non-Resident proprietor, of lands lying within the Town aforesd. *June 19, 1798.*

Chapter 19A.*

ORDER ON THE PETITION OF JAMES D. TUCKER AND DOMINICUS MITCHEL.

On the petition of James D. Tucker & Dominicus Mitchel, a Committee of the town of Standish, praying that certain Grants and Conveyances of the School lands lately owned by the Inhabitants of said Town may be confirmed.

* Not printed in previous editions. Taken from court record.

Ordered that the petitioners notify the Inhabitants of said town of Standish, by serving the Clerk of said town with a true & attested copy of said petition and this order thereon, and also by posting up like copies of this petition, and order thereon, in two or more public places in said town at least sixty days previous to the second Wednesday of the next Session of the General Court, in order that any persons interested may appear and shew cause why the prayer of said petition should not be granted.

June 19, 1798.

Chapter 19b.*

ORDER ON THE PETITION OF SAMUEL TEBBETS AND OTHERS.

On the petition of Samuel Tebbets and others, a Committee of the Town of Bowdoin in the County of Lincoln, praying that the westerly part of said Bowdoin may be incorporated into a separate town.

Ordered that the petitioners cause an attested Copy of their petition with this order thereon, to be published three weeks successively, in the Massachusetts Mercury, the last publication to be fifty days at least before the first Tuesday of the next Session of the General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 19, 1798.

Chapter 19c.*

ORDER ON THE PETITION OF WILLIAM ROTCH, JUN.

On the petition of William Rotch junr. Agent for the proprietors of New Bedford bridge, praying that the fourth enacting Clause of the Act for incorporating certain persons for the purpose of building a Bridge over Acushnet River in the town of New-Bedford, may be repealed.

Ordered, that the Petitioner notify the town of New Bedford by serving the Clerk of said town with an attested copy of his petition and this order thereon, thirty days at least before the third Wednesday of the next Session of the General Court, that they may then appear and shew cause, if any they have, why the prayer thereof should not be granted.

June 19, 1798.

* Not printed in previous editions. Taken from court record.

Chapter 20.

RESOLVE ON THE PETITION OF THE TOWN OF ORRINGTON, DISCHARGING IT FROM CERTAIN TAXES, WITH A PROVISIO.

On the Petition of the Town of Orrington Praying for leave to appropriate the Amount of their State Tax for the years 1797 & 1798 to the repair of Roads & Bridges in said Town.

Resolved that the Prayer of the Petition be so far granted that the Town of Orrington be discharged from the Payment of the State Taxes into the Treasury of this Commonwealth for the years 1797 & 1798 *provided* the Town do Actually Apply the Amount of said Taxes to Repairing Roads & Bridges in said Town under the direction of the Selectmen and produce a Certificate thereof, to the Treasurer of this Commonwealth, within Nine Months from the Time of Passing this Resolve. *June 20, 1798.*

Chapter 21.

RESOLVE DIRECTING THE SECRETARY TO DELIVER TO THE JUDGES OF THE SUPREME JUDICIAL COURT ONE SET OF THE LAWS OF THE UNITED STATES EACH.

Resolved, that, the Secretary deliver, to each of the Judges of the Supreme Judicial Court, one set of the Laws of the United States, belonging to this Commonwealth.

June 20, 1798.

Chapter 22.

RESOLVE AUTHORISING THE COMMANDER-IN-CHIEF TO PROVIDE A NUMBER OF BRASS OR IRON 12-POUNDERS FOR THE DEFENCE OF THE SEA COAST, ALSO GUN POWDER AND LEAD AND FIRE ARMS, AND GRANTING 50,000 DOLLARS FOR THAT PURPOSE.

Resolved that the Commander in chief be & he hereby is authorised to cause to be provided and mounted on travelling-Carriages, such a number of Brass or Iron Field-Pieces of a Calliber, not exceeding twelve Pounds, and to cause to be mounted, on Fort Carriages, such a number of Cannon, and of such sizes, as he shall judge necessary for the defence of those parts of the sea-coast, which may be exposed to a sudden invasion of an Enemy — also to cause to be purchased such a quantity of Gun Powder, Lead ; &

number of Fire arms, as the Public exigences, in his opinion, may require.

And it is further Resolved that there be allowed & paid out [of] the Public Treasury for the purposes aforesaid, a sum not exceeding fifty thousand Dollars, the same to be paid from time to time as the Governor by advice of Council may judge necessary.

June 20, 1798.

Chapter 23.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF MIDDLEFIELD, CONFIRMING SEVERAL MEETINGS IN SAID TOWN, ANY IRREGULARITY NOTWITHSTANDING.

On the petition of the Inhabitants of the Town of Middlefield setting forth that their Town Meetings — from the time of their Incorporation to the present time have not been regularly & legally assembled, & praying that the transactions of said Inhabitants at said meetings may be confirmed: and it appearing that the said Inhabitants have been notified to attend said meetings by notifications from the Selectmen only.

Resolved that the Transactions at said meetings be and are hereby confirmed, & rendered as valid as though the said Inhabitants at their several meetings had been legally assembled, any irregularity in the manner of warning said meetings to the contrary notwithstanding.

Provided however that nothing herein contained shall be construed to affect the title of any lands sold or assessed as the estate of any nonresident proprietor of Lands, lying within the town aforesaid.

June 20, 1798.

Chapter 24.

RESOLVE DIRECTING THE TREASURER TO PURSUE SUCH MEASURES AS HE SHALL JUDGE EXPEDIENT FOR COLLECTING MONEY DUE FROM JOHN PECK AND OTHERS, AND TO GIVE DIRECTIONS TO THE SHERIFF IN THIS CASE.

Resolved That the Treasurer of the Commonwealth be and he hereby is authorized to take and pursue such measures as he may think most for the interest of [the] Commonwealth for collecting the money due on sundry obligations given by John Peck and others, contained in a list signed by said Treasurer dated the 6th instant and from time to time to give directions to the Sheriff with respect to levying any executions that are or may be issued for said

debts; or to suspend the same, as the Treasurer considering all circumstances, may think most for the Interest of the Commonwealth.

June 20, 1798.

Chapter 25.

RESOLVE ON THE PETITION OF NATHANIEL PRENTISS.

On the Petition of Nathaniel Prentiss of Cambridge in the County of Middlesex praying for relief in an Action which he brought against Thomas Beals of Boston in the County of Suffolk, in which Action, a discontinuance was by mistake entered in the Supreme Judicial Court holden at Boston within and for the County of Suffolk on the third Tuesday of February in the Year of our Lord one thousand seven hundred & ninety six.

Resolved, that the said Nathaniel Prentiss be and he hereby is authorized to re-enter & prosecute the said Action at the next Supreme Judicial Court to be holden at Boston within & for the County of Suffolk on the last Tuesday of August next — & to pursue the same to final Judgment & Execution in the same manner as he might have done had the discontinuance aforesd. never been entered — *Provided* that the said Nathaniel cause the said Thomas to be duly served with an attested Copy of this Resolve fourteen days at least before the said last Tuesday of August.

June 21, 1798.

Chapter 25A.*

ORDER ON THE PETITION OF NATHANIEL TEBBETS AND OTHERS.

On the Petition of Nathaniel Tebbets and others, Inhabitants of the Town of Boothbay in the County of Lincoln, praying to be incorporated into a separte Religious Society.

Ordered, that the Petitioners notify the Inhabitants of said Town of Boothbay, by serving the Clerk thereof with an attested copy of their petition and this order thereon, thirty days at least before the second Friday of the next Session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 22, 1798.

* Not printed in previous editions. Taken from court record.

Chapter 26.

RESOLVE FOR PAY OF THE LIEUTENANT GOVERNOR AND SECRETARY AND TREASURER.

Resolved, that for one year from the Last day of May Last, the sum of Five Hundred and Thirty Three Dollars, Thirty Three Cents, shall be the pay of the Lieutenant Governor, to be paid out of the Treasury of this Commonwealth, in Quarterly payments as the same shall become due.

Resolved that there be allowed and paid out of the T[r]easury of this Commonwealth, to John Avery Esqr. Secretary of this Commonwealth, one Thousand & forty Nine Dollars Thirty Three cents, which with two Hundred & Eighty four Dollars which he recd. in fees before the Thirty First day of May last, shall be in full for his Services as Secretary aforesaid for one year from the First day of June 1798 being at the rate of Thirteen Hundred & Thirty Three Dollars Thirty Three cents pr. year, to be paid in Quarterly payments.

That from the First day of June Current there be allowed and paid out of the Public Treasury the sum of Fifteen Hundred Dollars to the Treasurer and receiver general of the Commonwealth for his pay as Treasurer the present year to be paid in Quarterly payments as the Same shall become due.

June 22, 1798.

Chapter 26A.*

ORDER ON PETITION OF JOHN TOWN AND OTHERS.

Whereas John Town and others Inhabitants of the towns of Greenwich, Petersham and Hardwick, have petitioned this Court, praying that they may be incorporated into a town by the boundaries described in their petition — and whereas said tract of land lies in different Counties, and it being represented as the wish of said Petitioners that so much of said Tract as now lies in the County of Hampshire should be set off from said County and annexed to the County of Worcester — therefore

Ordered, that the petitioners notify the aforesaid towns of Greenwich, Petersham and Hardwick and also the Courts of General Sessions of the peace for the Counties of

* Not printed in previous editions. Taken from court record.

Hampshire and Worcester respectively, by leaving an[d] attested copy of their petition and this order thereon, with the respective Clerks of said towns and Courts, ninety days at least before the second Wednesday of the next Session of the General Court, that all persons interested may then appear and shew cause if any they have, why said Tract may not be incorporated into a Town or District & annexed to the County of Worcester.

June 22, 1798.

Chapter 27.

RESOLVE GRANTING TO THE OVERSEERS OF THE MARSHPEE INDIANS, FOUR HUNDRED NINETY THREE DOLLARS SEVENTY CENTS.

Resolved That there be allowed and paid out of the Public Treasury to the overseers of the Marshpee Indians four hundred ninety three dollars Seventy Cents, in full for their account for expences incurred in recovering possession of a tract of land belonging to said Indians, claimed by Ebenezer Crocker by virtue of a resolution of the General Court passed Feby. 1797, which resolution was obtained by said Crocker by the misrepresentation of some facts, and the suppression of others.

June 22, 1798.

Chapter 27A.*

ORDER ON THE PETITION OF AGREEN CRABTREE AND OTHERS.

On the Petition of Agreen Crabtree & others Inhabitants of the Town of Sullivan in the County of Hancock praying that they may be a separate Corporation.

Order[e]d that the Petitioners notify the Town of Sullivan by publishing an attested Copy of their Petition and of this Order thereon three Weeks successively in the Massachusetts Mercury the last Publication to be fifty Days at least before the Second Wednesday of the next Session of the general Court that all persons interested may then appear & shew cause if any they have why the Petitioners should not be incorporated into a separate Town or District.

June 22, 1798.

* Not printed in previous editions.

Chapter 28.

RESOLVE ON THE PETITION OF JAMES ROBINSON, GRANTING HIM FIVE HUNDRED DOLLARS.

On the petition of James Robinson setting forth that he is the person who first discovered and brought to justice one of the principal actors in burning a vessel lying in Boston Harbor, on the 20th day of June in the year 1795 and praying that he may be paid the sum offered by the Governors proclamation to any person who would discover and bring to justice any one or more of such actors, which representation appearing to be true —

Resolved that there be allowed & paid out of the public Treasury to said James Robinson Five hundred dollars, in full of his claim in the premises. *June 22, 1798.*

Chapter 29.

RESOLVE MAKING ALLOWANCE TO E. P. HAYMAN, ASSISTANT CLERK OF SENATE.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to Edward P. Hayman, the sum of sixty eight Dollars, in full for his services as Assistant Clerk of the Senate the present Session of the General Court. *June 23, 1798.*

Chapter 29A.*

ORDER ON THE PETITION OF JOSEPH MILLER AND OTHERS.

On the Petition of Joseph Miller, Moses Wood and Timothy Burr, inhabitants or proprietors of that part of Springfield called the Elbow, praying that the whole of that part of Springfield called the Elbow, lying in a detached situation, may be set off from Springfield and annexed to the town of Wilbraham.

Ordered, that the petitioners notify the respective towns of Springfield and Wilbraham, by leaving an attested copy of their petition, with this order thereon, with the respective Clerks of said Towns, thirty days at least before the second Wednesday of the next session of the General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted. *June 23, 1798.*

* Not printed in previous editions. Taken from court record.

Chapter 30.

RESOLVE CONTINUING THE RESOLVE EMPOWERING THE SECRETARY AND TREASURER TO EMPLOY A PERSON TO GUARD THE STATE HOUSE.

Resolved That the power and authority given to the Secretary & Treasur[y][er] by a resolution passed the third day of March last to employ a person for a night watch to guard the State House, be and hereby is continued until the end of the next Session of the General Court.

June 23, 1798.

Chapter 31.

RESOLVE ESTABLISHING THE PAY OF JOSEPH LAUGHTON, FIRST CLERK IN THE TREASURER'S OFFICE.

On the Petition of Joseph Laughton.

Resolved, that the pay of Joseph Laughton, first Clerk in the Treasury-Office, be, at the rate of Two Dollars, and fifty cents, per day, commencing the 30th day of May 1798, to be paid out of the Treasury of this Commonwealth. This establishment to continue to the first session of the next general Court.

June 22, 1798.

Chapter 32.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF MIDDLESEX AND GRANTING A TAX.

Whereas the Treasurer of the County of Middlesex has laid his accounts before the General Court, in Manner prescribed by law, which are hereby allowed; and the clerk of the Court of Genl. Sessions of the peace for Said County, has laid before the General Court an estimate made by the Said Court of Genl. Sessions of the peace of the necessary Charges likely to arise within the Same County the present year, amounting to four thousand dollars:

Resolved that the Sum of four thousand dollars, be, and is hereby granted as a Tax to Said County of Middlesex, to be apportioned, assessed, collected and applied for the purposes aforesaid agreeable to law.

June 26, 1798.

Chapter 32A.*

ORDER ON THE PETITION OF JOSIAH WOOD AND EMERY WOOD.

On the Petition of Josiah Wood and Emery Wood, of Northbridge in the County of Worcester, praying that they and that part of their estates lying in said town of Northbridge, may be set off and annexed to the town of Uxbridge in said County.

Ordered, that the Petitioners notify the aforesaid Towns of Northbridge and Uxbridge by leaving an attested Copy of their petition with this Order thereon, with the respective Clerks of said Towns, sixty days at least before the second Wednesday of the next Session of the General Court that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

June 26, 1798.

Chapter 33.

RESOLVE ON THE PETITION OF JEDUTHAN WILLINGTON, GUARDIAN TO ABRAHAM HILL, A PERSON NON COMPOS.

On the petition of Jeduthan Willington Guardian to Abraham Hill a person *non Compos mentis* praying that two Judgments rendered against the said Hill before Ebenr. Bradish Esqr. one of the Justices of the peace for the County of Middlesex Decr. 1, 1788 may be nullified and Justice done to the sd. Abraham. The said Judgments appearing to be for much more than was due from the said Abraham to the Plls. viz. Isaac Hill, & Thos. Hill.

Resolved, That on the said Willington's filing with the clerk of the Supreme Judicial Court copies of the records of the causes wherein the said Judgments were rendered, & petitioning the [the] Justices of the said Court for a review of the said causes within six months from the passing this resolve; The said Justices are hereby Authorized to grant new Trials in the said Causes in as ample a manner as if the said Judgments had been rendered within three years previous to the said Guardian's petitioning as above said.

June 26, 1798.

* Not printed in previous editions. Taken from court record.

Chapter 34.

RESOLVE ON THE PETITION OF ELIJAH LIVERMORE, GRANTING HIM THE RIGHT TO REVIEW A CAUSE IN THE SUPREME JUDICIAL COURT FOR THE COUNTY OF LINCOLN.

On the petition of Elijah Livermore praying for a right to review a cause by him originally prosecuted against Jona. Howe & Haines Learned to Judgment on default at the Supreme Judicial Court holden in & for the County of Lincoln in the year 1795, & there afterwards in the year 1797 tried on a review granted by the Justices of the same Court on the Application of the said Jona. & Haines, as is more fully set forth in the petition.

Resolved, That a right be, & is hereby granted to the said Elijah Livermore to review the aforesaid Cause, by action to be enterd at the Supreme Judicial Court that shall be holden in & for the said County of Lincoln in the year 1799, which action shall be prosecuted in the same manner, & the Judgment there in shall have the same force and effect, as in an action of review granted by the Justices of the said Supreme Judicial Court.

June 26, 1798.

Chapter 35.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF BRISTOL AND GRANTING A TAX.

Whereas the Treasurer of the County of Bristol has laid his accounts before the General Court in manner prescribed by Law, which accounts are hereby allowed.

And Whereas the Clerk of the Court of General Sessions of the Peace for said County has laid before the General Court an estimate made by the Court of General Sessions of the Peace for said County of the necessary charges likely to arise within said County the present year amounting to "One Thousand Dollars:"

Resolved that the sum of One thousand Dollars be and hereby is granted as a Tax for said County of Bristol to be apportioned, assessed, collected, and applied in manner as the Law directs.

June 25, 1798.

Chapter 36.

RESOLVE GRANTING JAMES SULLIVAN, ESQ. THREE HUNDRED DOLLARS TO ENABLE HIM TO PROSECUTE CIVIL SUITS IN BEHALF OF THIS COMMONWEALTH.

Whereas by a Resolve passed on the twenty second Day of June 1797—the sum of four hundred Dollars was directed to be paid out of the Publick Treasury to the Atty. General, to reimburse monies by him before that time expended for the service of Government, & to provide him with the means of further prosecuting certain suits in behalf of the Commonwealth—And whereas the said Attorney General has given satisfactory evidence that he has expended all said sum excepting ninety-seven Dollars & twelve Cents which now remain in his hands & that a further sum is necessary for the purposes aforesd :

Resolved that there be allowed & paid out of the treasury of this Commonwealth to James Sullivan Esqr. a further sum of three hundred Dollars to enable him to prosecute civil Suits on behalf of this Commonwealth he to be accountable for the expenditure of the same.

June 26, 1798.

Chapter 37.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF SUFFOLK AND GRANTING A TAX.

Whereas the Treasurer of the County of Suffolk has laid his accounts before the General Court, in manner prescribed by Law ; which accounts are hereby allowed ; and the Clerk of the Court of Genl. Sessions of the peace for said County has Laid before the General Court an estimate made by the Court of Genl. Sessions of the peace for Said County of the necessary charges likely to arise within the said County the present year—amounting to the Sum of four thousand dollars :

Resolved that the Sum of four thousand dollars, be, and hereby is granted as a Tax for the Said County of Suffolk to be apportioned, assessed, Collected and applied, in manner agreeable to Law.

June 26, 1798.

Chapter 38.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF PLYMOUTH AND GRANTING A TAX.

Whereas the Treasurer of the County of Plymouth has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the clerk of the Court of General Sessions of the peace for Said County has laid before the General Court an estimate made by Said Court of General Sessions of the peace, of the necessary Charges likely to arise in Said County the present year, amounting to nineteen hundred and twenty dollars:

Resolved that the Sum of nineteen hundred and twenty dollars be, and hereby is Granted as a Tax for Said County of Plymouth, to be apportioned, assessed Collected and applied for the purposes aforesaid agreeable to Law.

June 26, 1798.

Chapter 38A.*

ORDER ON THE PETITION OF JOSEPH LEE AND OTHERS.

On the petition of Joseph Lee & others a Committee of the plantation No. 2, east side of Penobscot River praying they may have the exclusive privilege of taking the fish in Eastern River within sd. plantation.

Ordered that the petitioners notify all parties concerned by publishing their petition & this Order thereon in the Wiscasset Telegraph three weeks successively & posting the same in two public places in the four next adjoining towns to said plantation No. 2 — the said posting & the last publication in said telegraph to be thirty days at least before the second thursday of the next sessn. of the Genl. Court that they may then appear & shew cause (if any they have) why the prayer thereof should not be granted.

June 26, 1798.

Chapter 39.

RESOLVE ON THE PETITION OF THE SELECTMEN OF RUSSELL, RENDERING VALID THE PROCEEDINGS OF THE LAST MEETING IN SAID TOWN.

On the Petition of the Select Men of Russel setting forth that at the Annual Meeting of the said Town on the fifth Day of March last, the Constable of the said Town

* Not printed in previous editions.

had removed therefrom & the meeting was warned by posting up Notifications in several parts of the Town by the Select Men & a general Attendance given by said Inhabitants & as Doubts may arise whether the Votes & proceedings of said Town can be considered as legal.

It is therefore resolved that the Votes & proceedings of the said Town of Russel at their last March Meeting shall be as valid & effectual to every Intent & purpose as if the sd. Meeting had been duly warned by the Constable of sd. Town — any Law Usage or Custom to the contrary notwithstanding.

June 27, 1798.

Chapter 40.

RESOLVE ESTABLISHING THE PAY OF ISAAC PIERCE, MESSENGER TO THE GOVERNOR AND COUNCIL, UNTIL.

On the Petition of Isaac Pierce, Messenger to the Governor & Council.

Resolved, That the pay of Isaac Pierce, Messenger to the Governor & Council, be, at the rate of One Dollar & Seventy five cents, per day, during the Time he is in actual service, commencing on the 30th day of May 1798, & that the same be paid out of the public Treasury of this Commonwealth. This establishment to continue, untill the first session of the next general Court. *June 27, 1798.*

Chapter 41.

RESOLVE ON THE PETITION OF THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE COUNTY OF SUFFOLK, ALLOWING THEM ONE DOLLAR PER DAY, WITH A PROVISIO.

Resolved, that each Justice of the peace for the County of Suffolk, shall hereafter be allowed and paid out of the Treasury of sd. County one dollar for each day's regular attendance at the Court of General Sessions of the peace in said County for the trial of criminal offences; — *provided nevertheless*, that said Justices of the peace shall not be allowed pay for more than six days attendance at any one Session of said Court.

June 27, 1798.

Chapter 42.

RESOLVE ON THE PETITION OF JACOB KUHN, ALLOWING HIM TWO HUNDRED AND FIFTY DOLLARS PER ANNUM, FOR THE CARE OF THE OLD STATE-HOUSE AND FOR HIS SERVICES.

On the Petition of Jacob Kuhn, Messenger of the General Court requesting an additional allowance.

Resolved that, there be allowed & paid, out of the Treasury of this Commonwealth to Jacob Kuhn the sum of two hundred Dollars for the present year, commencing the 30th day of May last, to be, in addition to the sum allowed him by a Resolve, "March 26 1793, establishing the pay of the Messenger of the General Court."

And it is further Resolved, that, there be also allowed & paid out of the Treasury to the said Jacob Kuhn, after the rate of fifty dollars per annum, for his services, in taking care of the Old State-House, to commence, from the 12th day of January last.

June 27, 1798.

Chapter 43.

RESOLVE FOR AN APPROPRIATION OF MONEY, TO BE PAID OUT OF THE PUBLIC TREASURY, IF PUBLIC EXIGENCIES SHOULD REQUIRE, DURING THE RECESS OF THE GENERAL COURT.

Whereas by the Constitution of this Commonwealth it is provided that the Governor shall have power to take and surprize by all ways and means whatsoever, all and every such person or persons with their ships, arms, ammunition and other goods as shall in a hostile manner, invade or attempt the invading, conquering, or annoying this Commonwealth. — And whereas the hostile disposition discovered by the Government of France towards the United States, renders it expedient to furnish the Executive, with money to enable him to execute the powers & duties aforesaid :

Resolved That his Excellency the Governor with advice of Council be and hereby is authorized to draw his Warrant on the Treasury for a sum not exceeding fifty thousand dollars, if the Public exigencies during the recess of the General Court should in his opinion render it necessary to erect works or fortifications, or to assemble in martial array and put in warlike posture the inhabitants of the Commonwealth for the special defence of the same or any part thereof.

June 27, 1798.

Chapter 44.

RESOLVE ESTABLISHING THE PAY OF THE CLERKS IN THE SECRETARY'S OFFICE.

On the Petition of William Harris, first Clerk in the Secretary's Office, John Devotion, & Henry Scott, Clerks in the same Office.

Resolved, That the pay of William Harris, be, at the rate of Two Dollars and fifty cents, per day, commencing on the 30th day of May 1798. — & that the pay of John Devotion, & Henry Scott, be, at the rate of One Dollar & ninety two cents, each, per day, commencing at the same time, and that the same be paid out of the public Treasury of this Commonwealth. This establishment to continue untill the first session of the next general court.

June 27, 1798.

Chapter 45.

RESOLVE ON THE PETITION OF ABIJAH PRESCOTT.

On the petition of Abijah Prescott praying compensation for his time and Expence for services performed at the special request of one of the Justices of the Supreme Judicial Court and of the attorney general of this Commonwealth.

Resolved, for reasons set forth in said Petition that there be allowed and paid out of the public Treasury of this Commonwealth to Abijah Prescott fifteen dollars in full compensation for his time and expence in performing services for the Commonwealth in several criminal prosecutions as above stated.

June 27, 1798.

Chapter 46.

RESOLVE PROVIDING FOR THE COMMISSIONERS ON THE WALDO PATENT.

Whereas Representation hath been made by Nathan Dane and Enoch Titcomb Jr. that the Commissioners appointed by a Resolve passed the ninth of March one thousand seven hundred & ninety seven, directing them to repair to the Waldo Patent, to hear the parties and declare on what terms, certain settlers thereon, should be quieted in their possessions, agreeably to the Resolve have attended that service, and have taken many references, which from the nature and circumstances of the business, have, and still must take more time and expence of the Commissioners to determine, than was provided for in the Resolve aforesaid, but now appear necessary, for completing the purposes for which the Commission was designed: therefore

Resolved, that there be paid out of the Treasury of the

Commonwealth, the sum of five hundred Dollars to Nathan Dane, John Sprague and Enoch Titcomb Jr. Esqrs. Commissioners aforesaid, to be accounted for by them, and they are hereby enjoined to pursue the object of their Commission, as soon as the circumstances of the parties will permit, and finish the References already made as aforesaid, by the first day of January next.

June 27, 1798.

Chapter 46A.*

ORDER ON THE PETITION OF ROBIN SETOM.

On the petition of Robin Setom, an aged Indian, setting forth, that by reason of age and infirmity, he is past labor, and has no other means of supporting himself & his wife, than by selling a part of his land.

Ordered, that the Petitioner notify the inhabitants of the town of Edgartown, by serving the Clerk of the said Town with an attested copy of his petition and this order thereon forty days at least before the second Wednesday of the next Session of the General Court, that the said town may then appear, and shew cause, if any they have, why the prayer of said Petition should not be granted.

June 27, 1798.

Chapter 47.

RESOLVE AUTHORISING THE GOVERNOR TO MAKE APPLICATION FOR THE CONSENT OF THE GOVERNMENT OF THE UNITED STATES TO CONFINE THE CONVICTS ON CASTLE ISLAND UNTIL OTHERWISE PROVIDED FOR.

Resolved That his Excellency the Governor be and he hereby is authorized and requested to make application for the consent of the Government of the United States to confine on Castle Island in the Harbour of Boston, the Convicts sentenced or that may be sentenced to hard labour, before the United States shall take possession of the said Island until they shall be discharged in due course of law, or until the Legislature shall provide for the removal of said Convicts to some other place.

And it is further Resolved, That if the consent aforesaid cannot be obtained on such terms and conditions as the Governor may approve, or if the Convicts cannot in

* Not printed in previous editions. Taken from court record.

his opinion be continued on Castle Island consistent with the Publick safety, his Excellency the Governor is hereby authorized & requested to cause said Convicts to be removed to and distributed in such of the Goals in this Commonwealth as he shall think proper.

June 26, 1798.

Chapter 47A.*

ORDER ON THE PETITION OF ANDREW CRAIGIE AND OTHERS.

On the Petition of Andrew Craigie & others praying to be incorporated for the purpose of dikeing certain Lands in the Town of Cambridge.

Ordered that the Petitioners notify all concerned, by publishing an attested Copy of their Petition with this order thereon in the Massachusetts Mercury, printed by Young & Minns thirty days at least before the first Tuesday of the next Session of the Genl. Court, that they may then appear & shew Cause (if any they have) why the prayer thereof should not be granted. *June 27, 1798.*

Chapter 48.

RESOLVE ON THE PETITION OF JOHN WARREN, OF BOSTON, AUTHORIZING THE COMMITTEE FOR THE SALE OF EASTERN LANDS TO EXECUTE A DEED.

On the Petition of John Warren of Boston, setting forth, that he has in possession certain Contracts for land, made by the Committee for the sale of eastern Lands, with Moses Barnard & others, and assigned by them to him, for which, the sd. Barnard & other's Notes were given to the Treasurer, & such of them as have become due have been paid by sd. Warren; — and praying, that absolute deeds may be given him, on his depositing in the Treasury good and sufficient Security for the punctual payment of the remaining Notes of the sd. Barnard & others, as they become due.

Resolved, That the Prayer of sd. Petition be granted, & that the Committee for the sale of eastern lands be, and they are hereby authorized, & directed, to make and execute to the sd. John Warren, good and sufficient deed, or deeds, of the aforesaid lands, agreeably to the terms in sd.

* Not printed in previous editions.

Contracts, on condition, of his previously depositing in the public Treasury, ample security, to the satisfaction of the Governor and Council, for the payment of the Notes given for sd. land as they may become due. *June 27, 1798.*

Chapter 48A.*

ORDER ON THE PETITION OF GAD WARRINER AND OTHERS.

On the petition of Gad Warriner & others.

Ordered, that the Petitioners notify the Inhabitants of the Towns of West Springfield, & Westfield, by Serving the town Clerk, of each of the said Towns, with an Attested Copy of their said Petition, and this Order thereon, thirty Days at Least previous to the second Wednesday of the next Session of the General Court, then to appear, and shew cause, (if any they have) why the Prayer thereof should not be granted. *June 28, 1798.*

Chapter 49.

RESOLVE ON THE PETITION OF THADDEUS PARTRIDGE.

On the petition of Thaddeus Partridge of Barre in the County of Worcester.

Resolved for reasons set forth in said petition that the said Partridge be and he hereby is authorized and empowered at the next Court of Common Pleas to be holden at Worcester within and for the County of Worcester on the monday next preceding the last tuesday of August next to reenter upon the docket of said Court a certain action or plea of the case heretofore depending in said Court wherein said Thaddeus was plaintiff and Gideon Tenny of Northborough in said County was defendant; which said action was entered in said Court at the term thereof in March in the year 1795 and dismissed upon the non appearance of both said parties at the term of said Court in December 1796. And the said Court of Common Pleas is hereby authorized and empowered to sustain hear and determine said action and to issue execution thereon both with respect to the original demand and the costs of suit in the same manner as if said cause had been regularly continued from term to term in said Court; the said dismissal of the same action notwithstanding. *Provided neverthe-*

* Not printed in previous editions.

less that the said Partridge shall cause the said Tenney to be served by the proper officer with an attested copy of this resolve fourteen days at least before said next term of said Court.

June 27, 1798.

Chapter 49A.*

ORDER ON THE PETITION OF THE SETTLERS OF TOWNSHIP NUMBER THREE.

Upon the Petition [appointed] by the inhabitants and settlers of Township Number three, East of Penobscot River in the County of Hancock, praying that the Attorney General may be directed to institute an Inquest of Office against David Marsh and others, original Grantees of the Township aforesaid, for a breach of the condition of the said Grant and Confirmation.

Ordered, that the Petitioners notify the said David Marsh and others, Grantees and Proprietors of the Township aforesaid, by printing their said Petition and this Order of notice thereon, in the Massachusetts Mercury, printed at Boston, three weeks successively;—the last publication to be sixty days at least before the second Wednesday of the next Sitting of the General Court, that they may then appear and shew cause (if any they have) why the prayer of said petition should not be granted.

June 27, 1798.

Chapter 50.

RESOLVE ON THE PETITION OF AARON FARNSWORTH AND OTHERS.

On the petition of Aaron Farnsworth Nathaniel Kezar, junr. and Luther Kezar, setting forth that in the life time of Edmund Tarbell late of Groton miller deceased they severally gave to the said Tarbell deeds of certain tracts of land lying in Groton and Shirley for the security of certain sums of money which they severally owed to said Tarbell; that is to say that the said Farnsworth gave a deed to said Edmund of certain lands in said Groton bearing date Dec. 19, 1795, recorded in the registry of deeds in the county of Middlesex book 124 page 411 for the security of fifty dollars; that said Nathaniel gave a deed to said Edmund of certain lands in said Shirley dated Jan-

* Not printed in previous editions. Taken from court record.

uary 19, 1796 recorded in said registry book 124 page 412 for security of eighty five dollars; and that said Luther gave said Edmund a deed of certain other lands in said Shirley dated on said 19th day of January and recorded in said registry book 124 page 419 for security of the other sum of eighty five dollars. That at the time said deeds were given it was the intention of said Edmund to have given back to said petitioners respectively bonds of defeasance for the reconveyance of said lands upon payment of said sums respectively, but altho' said Edmund had himself prepared said bonds ready to be executed he soon after died very suddenly never having executed them — and that said tracts of land are severally of much greater value than they were respectively conveyed to secure. And praying that some person may be authorized to reconvey to them respectively their lands aforesaid upon payment to the administrator upon said Edmunds estate of all sums by them respectively owing to said Edmund at the time of his decease.

Resolved for the reasons aforesaid and others mentioned in said petition, That the administrator upon the estate of said Edmund Tarbell together with Sally Tarbell widow of the said Edmund be and they are hereby authorized to reconvey to said Aaron Nathaniel and Luther respectively the several tracts of land aforesaid *provided* the said Aaron Nathaniel and Luther shall respectively pay to said administrator the full amount of all sums by them due and owing to said Edmund at the time of his decease with the interest thereof to the time of payment. *Provided also* that said administrator shall first give bond to the Judge of Probate for said county conditioned that [that] he will put out all money which he may receive on any such reconveyance, at interest and will pay to the said widow the interest of one third thereof during her life and that the residue of the interest thereof and all the principal shall be secured to the child and heir of said Edmund like other personal estate, belonging to said child out of said Edmund's estate.

June 28, 1798.

Chapter 50A.*

ORDER ON THE PETITION OF JOHN THAYER AND OTHERS.

On the petition of John Thayer and others, inhabitants of the town of Belchertown praying to be set off from said

* Not printed in previous editions. Taken from court record.

Belchertown for all parochial purposes and to be annexed to the second parish in Amherst.

Ordered that the petitioners notify the inhabitants of said Belchertown, by serving the Clerk thereof with an attested copy of their petition and this order thereon, thirty days at least before the second Friday of the next Session of the General Court, that they may appear on said day and shew cause, if any they have, why the prayer of said petition should not be granted.

June 28, 1798.

Chapter 51.

RESOLVE GRANTING TO JACOB KUHN 300 DOLLARS TO PURCHASE FUEL.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth to Jacob Kuhn Messenger of the General Court the sum of three hundred Dollars to enable him to purchase fuel &c. for the use of said Court, he to be accountable for the expenditure of the same.

June 28, 1798.

Chapter 52.

RESOLVE FOR PAY OF CLERKS OF HOUSE AND SENATE.

Resolved that there be allowed and paid out of the Public Treasury to Mr. Edward McLane Clerk of the Senate One hundred & thirty three Dollars, & to Henry Warren Esq. Clerk of the House of Representatives One hundred & thirty three Dollars on account of their services as Clerks aforesaid, for the present year, they to be accountable for the same respectively.

June 28, 1798.

Chapter 52A.*

ORDER ON THE PETITION OF JOHN SAMSON AND OTHERS.

On the petition of John Samson and others, inhabitants of the Town of Middleborough in the County of Plymouth, praying that they with their estates may be set off from the precinct in Carver & annexed to the first precinct in Middleborough.

Ordered, that the petitioners notify the inhabitants of the said Precinct, of Carver, by serving the Clerk thereof

* Not printed in previous editions. Taken from court record.

with an attested copy of their petition and this order thereon, thirty days at least before the second Tuesday of the next Sessions of the General Court, that they may appear on said day, and shew cause if any they have, why the prayer of said petition should not be granted.

June 28, 1798.

Chapter 53.

RESOLVE ON THE REPORT OF THE AGENTS RESPECTING THE OLD STATE HOUSE.

Resolved, That if the Counties of Suffolk & Norfolk and the Town of Boston, shall duly authorize any person or persons to make sale of their respective right, & interest in and to the Old State House, & land thereto belonging The Agents for building the New State House, shall and are hereby authorized & empowered to unite with such person or persons, as may be appointed by said Counties & Town for the purpose aforesaid, and make sale of the Old State House and land thereto belonging either at Public Auction or private sale as the Agents & persons aforesaid may think best — *provided* the Counties and Town aforesaid will agree that one half of the net proceeds of such sale shall be paid into the Publick Treasury for the use of this Commonwealth.

And be it further Resolved, That if the said Counties of Suffolk & Norfo[l]k & the Town of Boston, will not agree, that the net Sales of the Old State House and land thereto belonging shall be divided in manner aforesaid, the Agents of this Commonwealth are hereby authorized and empowered to agree with the person or persons that may be appointed by the Counties and Town aforesaid, to state the facts relative to the claim of the respective parties to the said Old State House and land thereto belonging, to the Judges of the Supreme Judicial Court, and to consent that the decision of said Judges respecting the premises shall be final and conclusive, and to make a division conformable to such decision of the proceeds of the Sale to be made as directed by these resolutions.

And it is further Resolved That the Justices for the County of Suffolk, are hereby authorized at any Court of General Sessions for said County, to appoint an agent or agents, for the purpose of selling & conveying said Old State House and land thereto belonging, or to agree with

the agents of the other claimants in manner provided by these resolves — and the justices for the County of Norfolk, are hereby authorized in like manner to appoint an agent or agents for the purpose aforesaid — And all the acts and doings of said Agents thus appointed, respecting the sale and conveyance of said Old State House & land thereto belonging, also any agreement that may be made by said agents with the agents for the other claimants so far as it respects the claim of said Counties to the said Old State House & land thereto belonging, shall be binding on said Counties respectively, and shall be valid to all intents & purposes.

June 28, 1798.

Chapter 53A.*

ORDER ON THE PETITION OF THE INHABITANTS OF TOWNSHIP NO. 1.

On the Petition of the inhabitants of Township No. 1, in the first range North of the Plymouth Claim, on the East side of Kennebeck river with the Inhabitants settled on a strip of land lying between said Township and the town of Norridgwock, praying that said Tract of land may be incorporated into a Town.

Ordered, that the petitioners publish an attested Copy of their petition with this order thereon, three weeks successively in the Kennebeck Intelligencer, the last publication to be sixty days at least before the first Monday of the next Session of the General Court, that all persons interested may then appear and shew cause if any they have, why the prayer of said petition should not be granted.

June 28, 1798.

Chapter 54.

RESOLVE ON THE PETITION OF NATHANIEL PAINE, ESQ. IN BEHALF OF THE TOWN OF WORCESTER.

On the Petition of Nathaniel Paine Esqr. in behalf of the Town of Worcester, praying compensation for two Iron Cannon with their Carriages & Apparatus, which were remov'd from Worcester to Gloucester in the year 1775, for the use of the Commonwealth; which Cannon were never return'd or any payment made for them.

* Not printed in previous editions. Taken from court record.

Resolved, That there be allowed & paid out of the Public Treasury of this Commonwealth to the Select Men of the Town of Worcester for the use of said Town, the sum of Three hundred Dollars in full of all demands for said Iron Cannon with their Carriages & Apparatus.

June 28, 1798.

Chapter 55.

RESOLVE PAYING THE COMMITTEE ON ACCOUNTS.

Resolved, that their be paid out of the Public Treasury of this Commonwealth to the Committee appointed to examine & pass on accounts for their attendance on that service the present Session the sums annexed to their names in addition to their pay as members of the Legislature viz. To the Hon. Isaac Thompson Esq. for twenty three days attendance Eleven Dollars and Fifty Cents, to the Hon. Ebenezer Thayer Esq. for twenty three days attendance Eleven Dollars Fifty Cents. To Silas Holman & Nathan Fisher Esqrs. for twenty three days each Eleven Dollars Fifty Cents and To Seth Smith Jun. Esq. for sixteen days attendance Eight Dollars — which sums shall be in full for their Services aforesaid.

June 29, 1798.

Chapter 56.

RESOLVE AUTHORISING THE TREASURER, TO ADJUST AND SETTLE THE ACCOUNTS OF NICHOLAS TILLINGHAST, AGENT ON A CERTAIN ESTATE, IN FREETOWN, BELONGING TO THOMAS GILBERT, AN ABSENTEE, AND MAKE HIM COMPENSATION FOR HIS SERVICES.

Whereas by a Resolve passed Feb. 24, 1796 Nicholas Tillinghast Jr. was appointed an agent of the said Commonwealth for the purpose of selling a certain estate situate in Freetown in the County of Bristol, heretofore belonging to Thomas Gilbert Jr. (an Absentee) which has become the property of the said Commonwealth by Confiscation, and was directed to pay the proceeds of said estate into the Treasury of this Commonwealth & to render a statement of the Claims of Creditors to said estate to the General Court in order that said Claims might be equitably paid:

Resolved, That the Treasurer of this Commonwealth be

& he is hereby authorised & directed to adjust & settle the Accounts of the said Agent with this Commonwealth & to make the said agent such Compensation for his services as is reasonable — out of the proceeds of said Estate. And also to pay the proceeds of said estate, in just proportion, to the Creditors of said estate, whose claims shall be rendered by said agent.

June 29, 1798.

Chapter 57.

RESOLVE DISCHARGING MARTIN KINGSLEY FROM HIS AGENCY, SO FAR AS RESPECTS SUITS NOW PENDING, AND APPOINTING OTHER AGENTS.

Whereas it is represented to this Court that Martin Kingsley Esqr. who was joint agent with Danl. Bigelow Esqr. on the Estate of Timo. Ruggles Esqr. a Conspirator for the purposes expressed in a resolve of Feby. 28 1795 is removed out of the Commonwealth without completing the business of his Appointment; and that it is necessary another agent should be appointed in his place to carry the aforesd. purposes into effect:

Resolved, That the said Martin Kingsley Esqr. be discharged from his said Agency so far as it respects suits now pending, or commenced, or here after to be commenced against any Creditor of the said Estate sued or suable by virtue of the said Resolve of Feby. 28, 1795 and Nathaniel Paine Esqr. is appointed joint agent with the said Danl. Bigelow, Esqr. in the place of said Kingsley and the said Danl. Bigelow Esqr. & the said Nathl. Paine Esqr. shall proceed agreeably to the same Reso[l]ve to compleat the business therein prescribed to be done & completed.

June 29, 1798.

Chapter 57A.*

ORDER DIRECTING THE SECRETARY TO PUBLISH ACT REGULATING ELECTIONS.

Ordered that the Secretary be, and he hereby is directed, to cause the Act passed the present Session of the General Court, entitled "An Act in addition to the several laws regulating Elections to be published in the Massachusetts Mercury printed in Boston by Young and Minns, and in some Newspaper in each other town within this

* Not printed in previous editions. Taken from court record.

Commonwealth, in which such paper is printed, and also to transmit a copy of the said Act to the Selectmen of the several Towns and Districts, and Assessors of the several plantations within the Commonwealth, as soon as may be.

June 29, 1798.

Chapter 58.

RESOLVE ON THE PETITION OF THOMAS HARLING.

On the Petition of Thomas Harling, praying for compensation for his ingenuity and services in erecting powder mills, and carrying into effect the art of making powder as well as constructing mills and machines for boring and making of cannon out of solid iron, during the late American war.

Resolved, for reasons set forth in said Petition that there be and hereby is granted to the said Thomas Harling, one thousand acres of land, from the unappropriated lands belonging to this Commonwealth in the District of Maine, "except those upon Penobscot river," to be laid out under the direction of the Committee for the sale of Eastern lands, as a full compensation for his services aforesaid.

June 29, 1798.

Chapter 59.

RESOLVE ON THE PETITION OF JESSE WALCUTT.

On the petition of Jesse Walcutt praying that certain Suits against Jabez Walcutt his son, Joseph Sawyer & William Woodbury sureties for his son for the Recovery of penalties of their Recognizances may be discontinued on condition set forth in his petition and that three hundred and thirty-three dollars and one third may be paid to said Jesse for the support of the said Jabez's children — And on the petition of Mary Walcutt praying that the penalties of the said Recognizances may be granted to her, she being the said Jabez's wife & mother of the said children, but divorced from bed & board by Reason of the abuses of the said Jabez.

Resolved that the *penalties* of the Recognizances of the said Sawyer & Woodbury amounting to the sum of three hundred & thirty three dollars and one third & being half the amount of the whole, be appropriated, & paid to the said Mary, to her separate use (& to be by her held or dis-

posed of in manner as she might of allimony duly allowed) by the officer or person now or hereafter holding the same who is hereby directed to pay the same accordingly — and the Receipt of the said Mary shall be a sufficient discharge therefor.

and be it further Resolved that the penalty of the said Jabez' Recognizance amounting to the said sum of three hundred and thirty three dollars & one third being the other half of the whole sum forfeited be Appropriated and paid to the said Jesse by the Officer or person now or hereafter holding the same who is hereby directed to pay the same accordingly, and the Receipt of the said Jesse shall be a sufficient discharge therefor. — *Provided* that the said Jesse previously give bond with sufficient sureties to the Judge of probate for the County of Worcester to pay the same sum of three hundred & thirty three dollars & $\frac{1}{3}$ in equal portions to the said Children who shall be alive at the time when the youngest may arive to the age of twenty one years the Interest of the said three hundred and thirty three dollars & $\frac{1}{3}$ to be for the support of said Children — and the said Judge is hereby directed to take said bond accordingly.

June 29, 1798.

Chapter 60.

RESOLVE GRANTING FIFTY DOLLARS TO WILLIAM HARRIS.

Resolved That there be allowed & paid out of the Publick Treasury, to William Harris fifty dollars in full for his services in arranging the papers in the Secretarys office, which had not been regularly filed since the year 1747 — when the Old State House was consumed by fire.

June 29, 1798.

Chapter 61.

RESOLVE ON THE PETITION OF WATTS TURNER AND WILLIAM GOWEN, DISCHARGING THEM FROM ANY DEMAND AGAINST THEM ON THE TAX GRANTED OCT. 1781.

On the petition of Watts Turner & William Gowen Collectors of the Town of Medford.

Resolved That the said Turner & Gowen be and they are hereby discharged from any demand the Commonwealth has against them on the Tax granted Octo. 1781 — and the Treasurer is directed to govern himself accordingly.

June 29, 1798.

Chapter 62.

RESOLVE GRANTING FIFTY DOLLARS TO THOMAS WALCUT.

Resolved that there be allowed and paid out of the Public Treasury to Thomas Walcut fifty dollars on account of his services the present Session of the General Court he to be accountable for the same.

And it is further Resolved, that the said Walcut be and he hereby is authorized to exhibit his account for said Services to the Committee on Account[s] for examination and allowance.

June 29, 1798.

Chapter 63.

RESOLVE ON THE PETITION OF ANTONY FRANCIS, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE DUE TO HIM.

On the petition of Antony Francis.

Resolved That the Secretary of the Commonwealth be and hereby is authorized and directed to Certify to the [the] Governor & Council, the balance due to Antony Francis a Soldier in Coll. Crane's Regiment of Artillery, in the same way and manner, as the balances due to other Soldiers have been certified.

June 29, 1798.

Chapter 64.

RESOLVE ON THE PETITION OF JOSIAH LITTLE, EMPOWERING THE ATTORNEY GENERAL TO ENTER INTO A RULE OF THE SUPREME JUDICIAL COURT, ALL THE CONTROVERSIES AND DISPUTES SUBSISTING BETWEEN THE COMMONWEALTH AND THE PEJEPSCOT PROPRIETORS.

Whereas it is expedient that the Attorney General should be authorized & empowered to submit under a Rule of the Supreme Judicial Court, if he should think fit, all or any of the Controversies & disputes subsisting between the Commonwealth & the Pejepscot Proprietors :

Therefore Resolved, that ye Attorney General be & he hereby is authorized and empowered to enter into a Rule of ye Supreme Judicial Court at their next term to be holden in the County of Lincoln and therein in behalf of ye said Commonwealth to Submit all or any of ye controversies disputes claims & demands Subsisting between ye Commonwealth and the Pejepscott Proprietors so called, to the award & final determination of any three or Five disinterested persons to be mutually agreed upon by the said Attorney General & the Agent of ye said Pejepscott

proprietors *provided* the said Attorney General shall think it for ye Interest of ye Commonwealth, and ye said Submission shall be upon such conditions Limitations and restrictions as ye said Attorney General may think for ye benefit & interest of this Commonwealth and all concerned. *Provided* the same is not inconsistent with the stipulation hereafter mentioned.

And whereas disputes and controversies have subsisted between the said Proprietors, and the persons, that have settled, and made improv[*e*]ments on the land claimed by said Proprietors, and whereas it is for the interest of all concerned, that some equitable mode should be provided for terminating said disputes, and discontents that now exist in the County of Lincoln in consequence of said controversy —

It is further Resolved That the Attorney General be and he hereby is authorized to make the submission aforesaid *provided* the said Proprietors will stipulate that they will lay out and sell to each and every settler now on the land that may be awarded to said Proprietors, and remains undivided, one hundred Acres of land to be so laid out as shall best include the improvements of said settlers, respectively and be least injurious to the adjoining lands, for so much money and on such terms and conditions as three Commissioners to be appointed by the Governor with advice of Council, or a major part of said Commissioners shall judge reasonable; and if any dispute shall arise in locating the lots for the settlers, that the same shall be decided by said Commissioners or in such manner as they shall direct, the expence of said Commissioners to be paid by the said proprietors and settlers in equal halves.

And it [is] further Resolved, That if any of the settlers aforesaid shall neglect or refuse to pay to said Proprietors such a compensation for their respective lots, as may be determined by the Commissioners, within the time by them directed the Proprietors, shall not be held by this resolve to sell to the person so neglecting or refusing.

June 29, 1798.

Chapter 65.

RESOLVE ON THE MEMORIAL OF THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF LINCOLN, REQUESTING THE DIVISION OF THE COUNTY.

On the memorial of the Justices of the Court of General Sessions of the Peace within & for the County of Lincoln,

praying for a resolve recommending to the Inhabitants of the several towns & plantations in said County, to assemble in their towns & plantations, & elect a Delegate to meet in Convention to consider the expediency of a division of said County & to agree upon the dividing line.

Resolved that the prayer of said Memorial be so far granted that the Inhabitants of the several Towns & plantations in said County of Lincoln, qualified to vote in the choice of Counsellors & Senators be & they hereby are authorised to assemble & choose a Delegate or Delegates in each Town & plantation, to meet in a Convention to be held at Hallowell in said County on the fourth Tuesday of October next for the purpose of considering the expediency of a division of said County, into two Counties, and to ascertain & agree upon such dividing line, as shall in their opinion, under a consideration of all circumstances, contribute most to the general Interest and convenience of said County, and the inhabitants thereof, and to make report of their proceedings on the second tuesday of the next session of the General Court.

Provided always that no Town or plantation shall elect more than one Delegate, excepting Towns or plantations in which there are three hundred rateable polls or upwards; & in such places two Delegates only may be elected. *Provided also* That each Town & plantation shall be at the expence of their Delegate or Delegates so chosen.

And be it further Resolved that the Secretary be, and he is hereby directed to transmit to the Selectmen & assessors of the several towns & plantations in said County copies of this resolve seasonably for the assembling of the Inhabitants of such towns & plantations for the choice of a Delegate or Delegates to meet in convention as aforesaid.

June 29, 1798.

Chapter 66.

RESOLVE ON THE PETITION OF PAUL DUDLEY SARGENT, JUDGE OF PROBATE FOR THE COUNTY OF HANCOCK, AUTHORIZING THE COURT OF SESSIONS TO MAKE HIM COMPENSATION FOR HIS PAST SERVICES, AND FOR HIS FUTURE SERVICES, IN ADDITION TO THE FEES ESTABLISHED BY LAW.

On the petition of Paul Dudley Sargent Judge of Probate for the County of Hancock stating that the fees allow'd said Judge by law are not an adequate compensation

for his services, and it appearing that the same are not sufficient.

Therefore Resolved, that the Court of General Sessions of the Peace for said County be, and hereby are authoriz'd and empower'd to grant the said Sargent such compensation for his past services as they may consider him equitably entitled to; and also to make the Judge of Probate for said County for the time being such allowance for his future services, in addition to the fees that are, or may be, establish'd by law, as they may judge reasonable and just, to be paid out of the Treasury of said County. *June 29, 1798.*

Chapter 67.

RESOLVE REQUESTING THE SENATORS AND REPRESENTATIVES IN CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION PROVIDING, THAT NONE BUT NATURAL BORN SUBJECTS BE ELIGIBLE TO CERTAIN OFFICES.

Whereas it is highly expedient, that every constitutional barrier should be opposed to the Introduction of Foreign Influence, into our National Councils, & that ye Constitution of ye United States should be so amended as to effect and Secure in ye best manner ye great objects for which it was designed:

Resolved that the Senators & Representatives of this Commonwealth in the Congress of the United States, be, and they hereby are requested to use their best endeavours, that Congress propose to the Legislatures of the several States, the following amendment to the Constitution of the United States, viz. "That (in addition to the other qualifications prescribed by said Constitution) no person shall be eligible as President or Vice President of ye United States nor shall any person be a Senator or Representative in ye Congress of ye United States except a natural born Citizen; or unless he shall have been a Resident in the United States at ye time of ye declaration of Independence, and shall have continued either to reside within the same, or to be employed in its service from that period to ye time of his election."

And whereas the Spirit of Amity, & mutual Concession which produced ye Federal Constitution, ought always to be cultivated in the proposition & adoption of any amendments to ye same:

Resolved further, that in case the Senators and Repre-

sentatives of this State in Congress shall find, that ye amendment above proposed is not perfectly conformable to the wishes & sentiments of a Constitutional majority of both branches of ye National Legislature, they are hereby empowered & requested so to modify ye same, as to meet ye sentiments of such majority — *Provided however* and it is ye wish & opinion of this Legislature, that any amendment which may be agreed upon, should exclude at all events from a Seat in either branch of Congress, any persons who shall not have been actually naturalized at ye time of making this amendment and have been admitted Citizens of the United States Fourteen years at least at ye time of such election.

Resolved further, that his Excellency ye Governor is hereby requested to communicate ye foregoing Resolves to the Supreme Executives of ye several States with a request that ye same may be submitted to ye consideration of their respective Legislatures; and that ye President of the Senate and the Speaker of this House be requested forthwith to transmit ye same to the Senators & Representatives of this State in Congress.

June 29, 1798.

Chapter 68.

(ROLL NO. 39.)

The Committee on Accounts having examined the Accounts they now present —

Report, that there is due to the Towns and persons hereafter mentioned, the sums set to their Names respectively, which, if allowed and paid, will be in full discharge of said Accounts, to the dates therein mentioned.

ISAAC THOMSON *pr. order.*

Pauper Accounts.

	Dolls. Cts.
To the Town of Abington for supporting Margret Benner to June 9th 1798	53 52
To the Town of Boxborough for boarding & Cloathing John Kenadey to May 5th 1798	39 71
To the Town of Blanford for supporting James Carter to Jany. 19th 1798 including Cloathing	113 43
To the Town of Brunswick for the support of John Muray to June 1798 including Doctrs. bills & for Peter Kimball & Olley Kimball to June 1798	54 31
To the Town of Brookfield for supporting John Woodin & Luke Fenney, to May 5th 1798	145 25

	Dolls.	Cts.
To the Town of Billerica for supporting, Nursing & Doct- tering one Thomas Mart and for removing him to Boston	13	50
To the Town of Boston for supporting sundry paupers to June 1st 1798 including C[l]oathing	3453	3
To Constant Freeman keeper of the Alms house to June 1st 1798	240	35
To Doctr. John Fleet Junr. for his attendu. & Medicines to paupers in sd Alms house	400	0
To the Town of Coldrain for supporting William Wilson to May 23d 1798	25	40
To the Town of Charleston for supporting John Conner to May 1st 1798 including Cloathing & two quarters of House rent for Benja. Long	48	53
To the Town of Cheshire for supporting Ephraim Rich- ardson an Idiot to May 23d 1798 including Cloathing & Doctering Walther Graham's family to April 18th 1798	77	33
To the Town of Carlisle for supporting John Barber to June 9th 1798 including Cloathing	22	25
To the Town of Concord for boarding & Cloathing Wil- liam Shaw to June 7th 1798	25	0
To the Town of Dartmouth for supporting John Quanne- wing to May 24th 1798 including Cloathing	95	0
To the Town of Danvers for supporting Jerusha Bird & John Wooden to June 11th 1798 Including Cloathing . .	64	80
To the Town of Dover for supporting Patrick Cowin, to June 18th 1798 — Including Cloathing	34	0
To the Town of Franklin for supporting Alexander Read to May 26th 1798, including Cloathing	90	0
To the Town of Freeport for boarding, Nursing, Cloath- ing, Doctering & Burying Thos Hovey	59	70
To the Town of Great Barrington for supporting Tom a negro, to May 21st 1798 Mary Hoose to May 24th Catha- rine Hoose to May 23d and Isaac Hoose to May 21st 1798 Including Cloathing & Doctrs. bills	270	89
To Joseph Hodgkins keeper of the House of Correction in the County of Essex for his boarding William Kelley, a Girl name unknown, Adelaide a Negro woman, a Crazy person named Mary, a man whose name is unknown, Joshua a Negro, & Michael Melone, to June 6th 1798 including Cloathing, also included the Extra Expen- ce allowed by the Court of Sessions for them	402	24
To the Town of Greenfield for supporting John Battis & Unis Converse to June 1st 1798 Including Cloathing & Doctrs. bills	65	12
To the Town of Granby for supporting Ebenezer. Duwin & John Murry to May 28th 1798 including Doctr. bills . .	50	14
To the Town of Granvell for supporting Thomas Wil- liams & his wife to May 1st 1798	31	11
To the Town of Gloucester for supporting sundry pau- pers including Cloathing to May 10th 1798	852	23
To the Town of Ipswich for supporting & Cloathing sun- dry paupers to June 20th 1798 including Doctr. bills . .	178	20
To the Town of Lynn for supporting Bristol a Negro man to June 1798 including Doctr. bills and for Thomas Dug- lass to June 8 1798	90	86
To Doctr. Jabez Lamb for Visits and Medicines Adminis- tered to William Mendon to May 25th 1798	10	67

	Dolls. Cts.
To the Town of Lenox for supporting Christian Crow including Cloathing & Doctr. bills to June 1st 1798, & for boarding, Cloathing, Nursing, Doctering & burying Jack Feely	69 74
To John Long for Doctering Hennery Rogers' family to May 22d 1798	22 82
To the Town of Marblehead for supporting John Cavender to May 29th 1798 including Cloathing, and Doctr. bills	186 83
To Samuel Morey for Doctering Joseph Pratt to May 9th 1797	8 50
To the Town of Mendon for supporting John Hunt to June 1st 1798	26 0
To the Town of Milford for supporting Sally Brown a Negro, and her two Children to May 26th 1798 including Nursing & Doctrs bills	30 54
To the Town of Northampton for supporting Samuel Green to June 3d 1798 and Nancy McMullen to June 2d 1798	40 92
To the Town of Nantucket for Providing for James & Newell, taken on shore from a schooner which sunk	22 60
To the Town of New Salem for supporting Jesse Bedient's two Children to June 5th 1798	20 0
To the Town of New Bedford for supporting Patience Sydnal & three Children & Peggy Burnet to May 29th 1798	63 36
To the Town of Pittsfield for supporting Joseph Douns including, Boarding, Nursing, Cloathing & Money for his passage to Connecticut	61 66
To the Town of Portland for supporting Susannah Thomas & the widow Pader & Child to June 1st 1798 including Cloathing — and the Funeral Expen[c]es of a person by the Name of Avery	54 16
To the Town of Pembroke for supporting John Mendon to June 1st 1798	32 25
To the Town of Plymouth for supporting Sundry Paupers to June 3d 1798	75 88
To the Town of Royalston for supporting a Child about three years old by the name of Joshua Capron to May 29th 1798	10 70
To the Town of Sandisfield for supporting John Demming including Doctrs. bill and Funeral Expences	172 67
To the Town of Swanzey for supporting Deborah Blinkins to June 2d and Fenner Parce to May 18th 1798 including Cloathing	36 45
To the Town of Salem for supporting sundry paupers to June 4th 1798	918 50
To the Town of Shirley for supporting John Kelley to June 5th 1798 including Cloathing	70 63
To the Town of Thomastown for supporting Anna Clark previous to 1796	80 74
To the Town of Uxbridge for supporting Betty Trifle & Mitchel to May 29th 1798	55 0
To the Town of Wilbraham for supporting John Brown to May 5th 1798 including Cloathing	86 50
To the Town of Western for supporting William Johnson & his wife to May 22d 1798, John Wakley to May 17th 1798 and Hannah Hayward to her death including funeral Expences	119 33

	Dolls.	Cts.
To the Town of Westspringfield for supporting Lucy Kent & her Child including Cloathing to May 21st 1798	36	42
To the Town of Williamstown, for supporting Rachel Galusha to May 15th 1798 including Cloathing	139	0
To the Town of Westborough for supporting John Scudmore to June 11th 1798 including Extra Nursing & Medicines	30	29
To the Town of Weymouth for supporting Thomas Wallace to June 8th 1798	32	35
To the Town of Warren for supplies for William Moreman to April 1st 1798	10	97
To the Town of Woburn for supporting Thomas Hardman to May 29th 1798 including Doctr. Prestons bill	152	33
To the Town of York for supporting Elizabeth Perkins, William Kerswell and his wife, and Mary Crocker to June 4th 1798, including Cloathing & Doctrs. bills	146	98
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	9820	69

Militia Accounts.

	Dolls.	Cts.
To Joseph Brigham Adj. to June 20th 1798	59	4
To Isaiah Byington Adj. to June 13th 1798	21	13
To Jonathan Burrows Adj. to Feby 26th 1798	25	17
To Isaac Clewley Adj. to March 1798	25	95
To Jeremiah Clapp Brigade Majr. to May 11th 1798	154	97
To Ephraim Emory B. Majr. to June 1798	42	49
To John Farrer Adj. from May 1796 to May 1797	4	0
To Barzilla Gannett for distributing Majr. General Dearborn's Orders to May 4th 1798	23	75
To Mulford Howes Adj. to January 13th 1798	24	87
To William Jackson B. Majr. to May 14th 1798	37	91
To Cyrus Keith Adj. to June 11th 1798	12	15
To Moses Merrill Adj. to October 28th 1797	30	75
To Daniel Philbrook Adj. to June 5th 1798	48	98
To Ebenezer Pray Adj. to January 15th 1798	8	85
To Thomas Phillips B. Majr. to January 1st 1798	45	34
To George Russell Adj. to 1st May 1798	10	64
To Seth Tinkham B. Majr. to September 1797	53	17
To John Wasson Adj. to May 12th 1798	21	50
To Sampson Woods B. Majr. to May 11th 1798	24	46
To Daniel Ware Adj. to June 1798	30	45
To Timothy Whiting Adj. to June 1st 1798	45	31
To Joshua Shaw Adj. to Sept. 1796	26	65
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	705	57

Expences of Court Martials.

	Dolls.	Cts.
To the Expences of a Court Martial whereof Col. Eliakim Adams was President held at Canton April 4th 1798	37	95
To the Expences of a Court Martial whereof Col. James Colburn was President held in Medford April 1798	70	87
To William Seaver & other Members of the Court of Inquiry held in Dartmouth July 13th & 14—1797 by order of B. General Cobb	13	39
To the Expences of a Court Martial held at Newbury-port January 2d 1798 and held by Adjournment Feby. 8th 1798 at Haverhill for the trial of Capt. Abel Boardman, Capt. Ithamar Emeson & Lt. David Wills whereof Lt. Col. Nathl. Lovejoy was President	178	13

RESOLVES, 1798. — MAY SESSION.

	Dolls. Cts.
To the Expence of a Court Martial held at Newbury Port Novr. 30th 1796 for the trial of Capt. Abel Boardman whereof Lieut. Colo. Jona. Evens was President . . .	40 68

 341 2
Miscellaneous Accounts.

	Dolls. Cts.
To Jeremiah Blanchard for summoning David Abbot and John Dike to appear before the senate June 2d 1798 . .	1 0
To Peleg Coffin Esqr. Treasurer for Expences in his office and for Oil in the New state house & for Painting in the Old Province House	101 93
To Daniel Cowing, for Assisting the Messenger of the General Court three days the last Session and twenty Eight days this Session including the 28th of June . .	54 25
To Francis L. B. Goodwin for his services in Protecting the Lands of the Penobscott Indians from trespass, strip and Wast to June 1798	75 0
To Jonathan Hastings the ballance due to him for Postage on the 31st Decr. 1797	220 27
To William Marean for boarding & Providing for Levi Konkapot	21 50
To Joshua Holt for Boarding Cloathing, and schooling Levi Konkapot to June 25th 1798	43 32
To Abraham Thare for four days, Assisting the Messenger of the Genl. Court the last Session	4 50
To Jacob Kuhn the ballance due to him on his Account Currant	5 15
To Benjamin Larkin for Ruling, stitching & pressing sun- dry Record Books for the Clerk of the Supreme Court as pr. acct.	29 0
To Elias Richardson for taking care of the Arsenal in Cambridge to June 1st 1798	40 0

 595 92
Printers Accounts.

	Dolls. Cts.
To John Spooner for Printing the Acts & Resolves to June 1st 1798	16 67
To Thomas Dickman for ditto to June 1st 1798	16 67
To Angier March for ditto to June 20th 1798	16 67
To Thomas Adams for ditto to June 1798	16 67
To Young & Minns Printers to the General Court to June 23d 1798	983 90

 1050 58
Sheriff Accounts.

	Dolls. Cts.
To Simon Larned for returning Votes for Governor &c. for 1798	11 20
To Richard Hunnewell for returning Votes for Governor &c. for 1798	24 0
To Joseph Demick for returning Votes for Governor &c. for 1798	6 40

 41 60

Aggreg[a]te of Roll No. 39.

	Dolls.	Cts.
Expence of State Paupers	9820	69
Ditto of Militia	1118	55
Ditto of Miscellaneous	595	92
Ditto of Printing buisness	1050	58
Ditto of Sheriffs' do.	41	60
	<hr/>	
	12627	34

Read & accepted and

Resolved that there be allowed and paid out of the public Treasury to the several Corporations and persons mentioned in this Roll, the sums set against such Corporations and persons respectively amounting in the whole, to the sum of twelve thousand six hundred and twenty seven Dollars, and thirty [three] [four] Cents — the same being in full discharge of the accounts and demands to which they refer.

June 28, 1798.

Chapter 69.

RESOLVE AUTHORIZING THE GOVERNOR TO DISCHARGE THE OFFICERS AND MEN ON CASTLE ISLAND IN THE RECESS OF THE GENERAL COURT, IF HE SHALL FIND IT EXPEDIENT.

Whereas the Legislature, the present Session have ceded Castle Island in the Harbour of Boston to the United States — which may render it unnecessary to continue in pay the officers & men now stationed on said Island:

Resolved, That his Excellency the Governor be and hereby is authorized to discharge the officers & men afore-said or any part thereof, at any time during the recess of the General Court — if in his opinion their services are unnecessary for the defence of the Commonwealth or for guarding the Convicts on said Island.

June 29, 1798.

Chapter 69A.*

RESOLVE ON THE PETITION OF FRANCIS ANTONY MATIGNON, IN BEHALF OF THE PASSAMAQUODDY AND PENOBSCOT INDIANS.

On the petition of Francis Antony Matignon Minister of the Catholick Church in Boston; in behalf of the Indians in the District of Maine.

Resolved, That there be, and hereby is, appropriated,

* Not printed in previous editions.

for the support of a Teacher of religion & morality, among the Indians, of the tribes of Penobscot & Passamaquoddy, a sum not exceeding two hundred dollars per annum, untill the further order of the General Court: The same to be paid out of the publick Treasury, to such Teacher, as shall produce satisfactory evidence, to the Supreme Executive, of his good moral & political character, & of his having faithfully performed the duty aforesaid, for the time he shall have been employed, and actually resided among the said Indians.

Resolved further, That there be paid out of the publick Treasury to the Quarter Master General, a sum not exceeding two hundred dollars, for the purpose of defraying the expences of a number of Indians of the passamaquoddy tribe, now in the Town of Boston, during the time they shall tarry in the said Town, and also the expences of their passage from & to the place of their abode; The Quarter Master General to be accountable for the expenditure of whatever sum, he shall receive by virtue of this Resolve.

June 29, 1798.

Chapter 70.

RESOLVE AUTHORIZING THE GOVERNOR, WITH ADVICE OF THE COUNCIL, TO FORM THE WHOLE OF THE MILITIA IN THE TOWNS OF BOSTON AND CHELSEA INTO A LEGIONARY BRIGADE, WITH A PROVISIO.

Resolved. That his Excellency the Governor with advice of Council, be and hereby is authorized to form the whole of the Militia in the Towns of Boston & Chelsea into a Legionary Brigade, in such manner as he shall Judge most expedient, which Legionary Brigade when formed, shall be under the same rules & regulations, in all respects as is provided by the Constitution and the Laws, for regulating and Governing the Militia of this Commonwealth, so far as said regulations may be applicable to such Legionary Corps. *Provided nevertheless*, that the foregoing Resolve shall not be carried into Effect, untill the Governor with advice of Council, shall have organized the residue of the first Division of Militia of which the said Towns of Boston and Chelsea now form a part, into two Brigades, in such maner, as shall in the Oppinion, of the Commander in Chief, be best calculated to produce harmony in said Division.

June 29, 1798.

Chapter 71.

RESOLVE ALLOWING TO OSGOOD CARLTON AND JOHN NORMAN A FURTHER TIME TO COMPLETE THE MAP OF THIS COMMONWEALTH.

On the Representation of the Joint Committee appointed to examine the Map of this Commonwealth made by Osgood Carlton & John Norman.

Resolved That Osgood Carlton & John Norman be allow'd a further Time of Seven Months to compleat the Map of this Commonwealth & it is expected that in the mean Time they correct *all the errors* in sd. Map & take out the many accidental Strokes in the Plate & also that they make the margins of the Rivers Ponds & Sea Coasts Neater and that the whole Plate be better polish'd, *all which being done*, they are directed to lay the same before the general Court at their next Session for their acceptance.

June 29, 1798.

Chapter 72.

RESOLVE ON THE PETITION OF SAMUEL BAYLEY AND OTHERS, FOR RAISING A TROOP OF CAVALRY.

On the petition of Saml. Bayley & others praying for liberty to raise a troop of Cavalry in the first Brigade and first Division of the militia of this Commonwealth.

Resolved that the said Bayley and others be authorized to raise a troop of Cavalry in the first Brigade of said first Division; and his Excellency the Governor is requested to commission such persons as may be elected, according to law, officers for the same — *provided* no one of the standing Companies shall be reduced to a less number than the law requires.

And it is further Resolved that the said troop when organized, shall be annexed to the Regiment now under the command of Col. Joshua Bates.

June 29, 1798.

Chapter 73.

RESOLVE ON THE PETITION OF GILBERT DENCH, AUTHORIZING HIM TO REVIEW A CERTAIN ACTION.

On the Petition of Gilbert Dench of Hopkinton in the County of Middlesex praying for liberty to review a certain Action commenced against him by Warham Parks of

Westfield in the County of Hampshire Esq. in which Action Judgment was rendered on the Default of the said Gilbert at the Court of Common Pleas holden at Northampton within & for the said County of Hampshire on the second Tuesday of November in the Year of our Lord one thousand seven hundred & ninety four.

Resolved, for reasons set forth in said Petition, that the said Gilbert Dench be & he hereby is authorized to review the said Action — & for that purpose, — at the next Supreme Judicial Court to be holden at Northampton in & for the said County of Hampshire on the fourth Tuesday of September next, the same Action of Review to enter at the said Term of the same Court — & to prosecute the same to final Judgment & Execution — & also to make any plea or pleas to the demands of the said Warham in the original Writ contained, as he the said Gilbert might have done in the Court of Common Pleas aforesd. — and the said Supreme Judicial Court are hereby authorized to take cognisance of the same & to proceed therein in the same way & manner as if such plea or pleas had been made in said Court of Common Pleas, & the cause had been bro't before said Supreme Court upon application to them for a like purpose ; and to determine the said Action upon the real merits of the original Action aforesd. — *Provided* the said Gilbert cause the said Warham to be duly served with an attested Copy of this Resolve, fourteen days at least before the said fourth Tuesday of September and shall produce at said Court attested copies of all papers filed in said cause — And the Court of Common Pleas for said County of Hampshire are hereby authorized & required to continue until the said Action of Review is determined, an Action of Debt now pending in the same Court, bro't by the said Warham against the said Gilbert on the Judgment aforesaid.

June 29, 1798.

Chapter 74.*

RESOLVE ON THE PETITION OF ELEAZER PARTRIDGE, GRANTING HIM LEAVE TO RE-ENTER A CERTAIN ACTION IN THE COURT OF COMMON PLEAS IN THE COUNTY OF WORCESTER, ORDERING HIM TO NOTIFY THE ADVERSE PARTY.

On the petition of Eleazer Partridge of Barre in the County of Worcester.

* Not signed by the governor. This note appears in pamphlet edition : "The following Resolve was omitted in its proper place in the copy furnished us."

Resolved for reasons set forth in said petition that the said Partridge be and he hereby is authorized and empowered at the next Court of Common Pleas to be holden at Worcester in and for said County on the monday next preceeding the last tuesday of August next, to reenter upon the docket of said Court a certain action heretofore depending in said Court wherein Gideon Tenny of Northborough in said County was appellant from the Judgment of Charles Baker Esq. one of the Justices of the peace for said County, and said Partridge was appellee. Which said appeal was entered in said Court of Common Pleas at their term in December in the year 1794 and dismissed upon the non appearance of both said parties, at the Term of said Court in December 1796. And the said Court of Common Pleas is hereby authorized and empowered to sustain hear and determine said action and to issue execution thereon both with respect to the original demand and the costs of suit in the same manner as if said cause had been regularly continued from term to term in said Court. The said dismissal of the same action notwithstanding. *Provided Nevertheless* that the said Partridge shall cause the said Tenny to be served by the proper officer with an attested copy of this resolve fourteen days at least before said next term of said Court.

June 18, 1798.

RESOLVES ETC.

OF THE

GENERAL COURT OF MASSACHUSETTS.

PASSED AT THE SESSION BEGUN AND HELD AT *BOSTON*,
ON THURSDAY, THE TENTH DAY OF *JANUARY*, ANNO
DOMINI, 1799.

1798. — JANUARY SESSION.

ANSWER OF THE SENATE TO THE GOVERNOR'S SPEECH AT THE
OPENING OF THE SESSION.

May it please your Excellency,

The Senate with sincere satisfaction receive and reciprocate the patriotic sentiments contained in your address to the two houses of the Legislature.

Amidst the trials and commotions which at present agitate so great a part of the World, the “tranquil and prosperous” state of the Commonwealth should be the subject of our grateful acknowledgements to the Supreme Arbiter of Nations. May he dispose us, and our fellow citizens at large, to manifest our gratitude for the distinguished blessings which we enjoy as a people, by a uniform obedience to the laws, and a respect for the magistrates by whom they are faithfully administered.

If an administration of the general Government, founded upon the principles of justice, and dictated by the purest motives, could have protected us either against foreign aggressions, or have insured the universal approbation of our own citizens, the American people might have expected a long and happy season of repose and safety. But the experience of the present age affords us ample evidence, that the existence of our national honour and interest, depends under Providence upon our power to defend them.

Under the impression of this important truth, and from a careful review of the conduct of the present ruling powers of France, we look upon the prospect of an amicable and honorable adjustment of our differences with that nation as uncertain and delusive. We therefore cordially unite with your Excellency in declaring that we ought to “stand prepared at our Country’s call” to defend to the last extremity those invaluable rights which the best blood of our Country has been expended to secure.

Having an unshaken confidence in the wisdom and patriotism of the Federal Government, their preparations for our defence (should the unjust conduct of France drive us to the last resort) will meet our cheerful and ready co-operation. But from the present view of her situation, we have less to fear from her arms than from her insidious attacks upon the virtue of the people. That there should remain a single citizen in America so unhappily prejudiced as not to have developed her baneful influence and enmity, or armed himself against their pernicious operation, is a subject both of astonishment and regret. Her recent conduct to the nations of Europe, and to America her earliest friend, affords a solemn admonition to all those who are yet blind enough to believe her the friend of liberty. From this conduct we are compelled to believe that her measures are dictated by nothing short of an insatiate thirst for empire and dominion, regardless of the property or rights of those from whom they may be wrested.

“Let then the remains of political dissensions cease, and all orders of men unite in displaying those virtues, and that manly patriotic spirit which the exigences of the times demand.” And when the period shall arrive at which the sword of self defence *must be drawn*, may we be inspired by the recollection, that, as free born Americans, we can surrender our liberties but with our lives.

The Senate assure your Excellency, that the several subjects of a local nature, recommended in your address to the consideration of the Legislature, shall receive their immediate and particular attention.

ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE GOVERNOR’S SPEECH AT THE OPENING OF THE SENATE.

May it please your Excellency,

The House of Representatives receive with pleasure from the Supreme Executive, an assurance, which their

own observation fully corroborates, that the internal state of the Commonwealth, has been tranquil and prosperous during the recess of the Legislature. This tranquillity and prosperity, they fully agree, is attributable, under Divine Providence, to the strong attachment of the people to their government, and to the faithful and impartial execution of the laws. This state of things, so favourable to public happiness, will undoubtedly continue, so long as our citizens are distinguished by their moral and religious habits, their virtue, their industry, their love of social order, and their attachment and confidence in a government, established by their wisdom, supported by their energy, and administered by officers of their choice. Every page, however, of ancient and modern history exhibits melancholy proofs, that the best internal regulations, the purest motives, the most inviolable good faith, secure no exemption from foreign insults and usurpations; and the inference which irresistibly impresses itself upon the mind, is, that nations should rely rather on their own power, than on the justice of other governments, and should be always prepared to maintain their rights, when other nations cease to respect them.

In review of the past history of our country, we can recollect no period more critical, no moment pregnant with events more interesting than the present.

Having established the independence of our government, on the basis of justice and rational freedom, we had a right to cherish the expectation, that by cultivating our national and political advantages we should insure to ourselves and our posterity, peace, liberty and safety; but this fond and delusive picture of the imagination has been torn away by the lawless hand of foreign ambition. In the peaceable possession of a good and fertile country, acquired by the valour, and subdued by the toils of our Fathers, and in the enjoyment of the highest possible degree of civil and religious freedom, consistent with good order, our political pilots wisely determined to adopt, and conscientiously pursue a system of impartial neutrality, by which our local, moral and political advantages might be secured to us, and by which we might be equally preserved from the vortex of European convulsions. But this wise, just and pacific policy very early gave umbrage to the perfidious and unprincipled rulers of France; and from that moment every insidious as well as open, every

secret as well as public weapon, which art and ingenuity could devise, has been employed to force the United States into the sanguinary and destructive contest.

The Ministers and agents of France, authorised and unaccredited, avowed and private, have been busily employed to disseminate principles subversive of our government, destructive to our system of neutrality, and calculated, not only to produce dissensions, and to separate the people from their government, but to effect a change of the moral, religious and political habits and opinions of the citizens of this country, which would unfit them for the support of any government. But the God of our fathers has been the cloud by day, and the pillar of fire by night; and through his over-ruling influence, the citizens of the United States are yet free, happy and independent. The recollection of the overtures which have been made by the United States to accommodate the existing differences with the French Republic, and the causes of their failure, excites no ordinary degree of indignant sensibility. The whole world, not tributary to France, and impartial posterity, will bear testimony, that the late negotiation exhibited, on the part of the United States, moderation, candour, purity, good faith, and an anxious solicitude for peace; on the part of France, overbearing insolence, a venal and prostituted spirit, a contempt of natural justice, and of national compacts, and a disposition to sacrifice the peace of both nations to sordid and mercenary views. From such causes, and from the existence of such a temper on the part of France, have we been reduced to our present critical, expensive and alarming situation; and although we as highly appreciate, as your Excellency, the blessings of peace, and participate in the pleasing conviction, that the Chief Magistrate of the Union is sincerely attached to a pacific policy, at once the interest and the wish of the United States; yet this treasure would be too dearly bought by a surrender of even a portion of our Honour, our Liberty or Independence. We ardently wish for peace, but we would obtain it only through constitutional and authorized channels, upon terms compatible with our national character and interests, and productive of permanent, not temporary safety. We fully accord with your Excellency in the sentiment, that no rational grounds can be discerned for a relaxation of our energies. So long as France shall remain in absolute subjection to men whose ambition is domination, and

whose thirst, plunder, we can see no consolatory prospect of reparation for our past wrongs, or security against future.

We should then, most unquestionably, violate the first law of nature, self-preservation; we should be ungrateful to that Being, who has blessed us with ample resources, if we should neglect to use them in our own defence: Nor do we dread the result, for, with a Patriot and Statesman at the helm, who is capable of inspiring a whole nation with noble sentiments, and with a Hero in the field, who is himself a Host, “America’s hardy sons cannot fail of displaying that native enterprize and valour for which they have been always distinguished.”

Your Excellency need not entertain an apprehension that you will be suspected of a wish to precipitate the United States into a war. The known moderation, and temperate virtue which you have uniformly displayed, forbid such an imputation. The observations which your Excellency has been pleased to make, evidently proceeded from a dignified spirit which pervades every part of the United States, and which has exhibited itself in glowing colours from Maine to Georgia; a Spirit, which produces a generous and undiminished confidence in the government of the United States, and a firm determination to support its measures. A Spirit, which prefers open hostility to indirect warfare — danger and even distress to a tame and ignominious forbearance — Death to Slavery. A Spirit, which must convince France and the world, that the Citizens of America, united by reciprocal ties of interest and affection, will stand or fall together.

The state of the Fortifications, of our Militia and of the Convicts, merit and shall receive our early and serious consideration; and in all our legislative acts we shall keep steadily in view the promotion of justice and the general welfare of the community; in which important objects, we doubt not we shall meet with your Excellency’s most hearty concurrence.

Chapter 75.

RESOLVE FOR THE APPOINTMENT OF AN ADDITIONAL NOTARY PUBLIC IN THE COUNTY OF CUMBERLAND.

Resolved that there be an additional Notary Publick appointed for the County of Cumberland to reside in the Town of Portland.

January 10, 1799.

Chapter 76.

RESOLVE GRANTING JACOB KUHN ONE HUNDRED AND FIFTY DOLLARS FOR FUEL.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth to Jacob Kuhn Messenger of the General Court One hundred & fifty Dollars to enable him to purchase fuel &c. for the use of said Court, he to be accountable for the expenditure of the same.

January 11, 1799.

Chapter 77.

RESOLVE FOR EXTENDING ALL WRITS AND PROCESSES, &c. WHICH WERE MADE RETURNABLE AT THE COURT OF COMMON PLEAS IN THE COUNTY OF BRISTOL, IN DEC. LAST, TO THE LAST MONDAY OF JANUARY CURRENT.

Whereas the Court of Common Pleas which by Law was to have been held at Taunton in & for the County of Bristol on the monday next preceding the Second tuesday of December last was not holden by reason of the absence of three of the Justices of the same Court, & whereas the said Court was adjourned by writ under the hands of one of the Justices thereof & one special Justice to the last monday of January Current: Therefore

Resolved that all writs & processes which were made returnable, all appeals made & all causes which were continued to the said Court of Common pleas in December aforesaid, may be entered & heard at said court on the said last monday of January current and the Justices of the same Court are hereby authorized to proceed upon & render Judgment on such actions, appeals & causes, which shall be of the same validity & have the same effect as if such actions appeals or causes had been entered & heard on the monday preceding the said Second Tuesday of December.

January 16, 1799.

Chapter 78.

RESOLVE GRANTING ISAAC PEIRCE, MESSENGER TO THE GOVERNOR AND COUNCIL, ONE HUNDRED DOLLARS FOR FUEL.

Resolved, that there be allowed and paid out of the Public Treasury of this Commonwealth to Isaac Peirce Messenger to the Governor and Council, the sum of One

Hundred Dollars, to enable him to purchase Fuel and other Necessaries for the Council Chamber and Secretary's Office — he to be accountable for the expenditure of the same.

January 18, 1799.

Chapter 79.

RESOLVE ON THE PETITION OF SAMUEL WHITE, JAMES DUNCAN, JUN. AND OTHERS, EMPOWERING THEM TO CALL A MEETING OF THE PROPRIETORS, FOR THE ELECTION OF OFFICERS AND THE TRANSACTION OF OTHER BUSINESS.

On the petition of Samuel White, James Duncan junior, Samuel Walker, Cotton B. Brooks, and Edmund Kimball in behalf of themselves and others the Proprietors of the Haverhill Bridge, stating that the Annual Meeting of the said Proprietors, which according to the Bye-Laws of said Corporation should have been holden on the first monday of June last, and at which the Officers of said Corporation should have been chosen, through neglect, was not duly notified; And some doubts having arisen whether there now is any Officer of said Corporation or other person who hath authority legally to call a meeting of said Proprietors.

Resolved, That the said Samuel White, James Duncan junior, and Samuel Walker, or any two of them, may by advertizement in the Haverhill News-Paper, and the Columbian Centinel, and by posting up notifications at the two Meeting Houses in Bradford, warn or call a meeting of said Proprietors to be holden at any suitable Place and time after fourteen days from the publication and posting up of said Advertizements; at which meeting the said Proprietors may elect all the Officers and transact all the business which they might lawfully have elected and transacted at their Annual meeting, if the same had been legally notified.

January 18, 1799.

Chapter 80.

RESOLVE ON THE PETITION OF THE TRUSTEES OF PORTLAND ACADEMY, GRANTING THEM ONE HALF OF A TOWNSHIP OF THE UNAPPROPRIATED LANDS IN THE DISTRICT OF MAINE; AND EMPOWERING THE COMMITTEE FOR THE SALE OF EASTERN LANDS IN THIS CASE; AND ESTABLISHING THE DOINGS OF THE INHABITANTS OF THE TOWN OF PORTLAND.

On the Petition of the Trustees of Portland Academy, setting forth that a permanent fund of three thousand dol-

lars has been secured by the Town of Portland to the Trustees of said Academy, and praying that a half Township of the Commonwealth's land may be granted them, agreeably to the report of a Committee of the 27th of February 1797, on the subject of Academies, which was accepted by both branches of the Legislature.

Resolved, that in pursuance of a report of a joint Committee, which has been accepted by both branches of the Legislature, there be and hereby is granted to the Trustees of Portland Academy, and their successors one half Township of six miles square, of the unappropriated lands in the District of Maine, belonging to this Commonwealth, excepting all lands within six miles of Penobscot river, to be laid out under the direction of the Committee for the sale of eastern lands; which tract the said Trustees are hereby empowered to use, sell or dispose of, as they may think most for the benefit of said institution; excepting and reserving four half lots of one hundred and sixty acres each for the following uses, vizt. one half lot for the first settled minister, his heirs and assigns — one half lot for the use of the ministry — one half lot for the use of schools within said Township — and one half lot for the future appropriation of the General Court — *Provided* that said Trustees before the first day of January one thousand eight hundred and Eight shall settle ten families on said half Township.

And whereas the Inhabitants of the Town of Portland, at a meeting holden by adjournment on the twenty first of December last, in fulfilment of the donation required by the report aforesaid, granted a certain lot of land, with the house thereon, at the value of two thousand dollars, and agreed to make up the further sum of one thousand dollars, to be raised by three annual instalments, vizt. 333 dollars and one third of a dollar each year, until the said sum be fully raised, to be paid to the trustees aforesaid: And whereas Enoch Ilsley Treasurer of said Town, in pursuance of the authority and direction then to him by a vote of said Town given, has executed a deed of said lot to said Trustees bearing date the 29th day of December 1798, and on the fifth day of January instant gave his notes to said Trustees for the payment of the sums aforesaid at the periods aforesaid:

It is further Resolved, that the doings of the Inhabitants of said Town of Portland, and of their Treasurer in this

respect as aforesaid, be and hereby are confirmed and established. And the said Town of Portland is hereby authorised and directed to order the said sum of one thousand dollars — one third thereof in each year as aforesaid, to be assessed upon the Inhabitants of said Town, with the interest thereof if any shall become due, and collect the same in the same manner as by law they are authorised to levy and collect other Town charges, the same when collected to be paid to the Trustees aforesaid, in discharge of the notes aforesaid.

January 19, 1799.

Chapter 81.

RESOLVE ON THE PETITION OF EDWARD GRAY, AUTHORISING HIM TO MAKE AND EXECUTE A DEED OF THE LAND MENTIONED TO JOHN CODMAN, ESQ. WITH A PROVISIO.

On the Petition of Edward Gray Esq. guardian of Susanna Loring of Boston in the County of Suffolk single woman, an insane person, for reasons set forth in said petition.

Resolved that the said Edward Gray Esq. guardian as aforesaid be and he hereby is authorized to make and execute a good and sufficient deed and thereby convey to John Codman of said Boston Esquire in fee simple, all the right title and interest of the said Susanna in and to an house lot or piece of land situated in said Boston bounded thus westerly on Atkinson street thirty five feet northerly on land of Job Wheelwright seventy two feet six inches easterly on land of John Codman and Richard Codman fifteen feet southerly on land of said John and Richard four feet six inches easterly on land of said John and Richard eighteen feet southerly on a passage way leading from Atkinson street to land of said John and Richard sixty eight feet; including all the right and title of said Susannah Loring to a piece of land with a well therein, which piece is situated at the easterly part of the before described land and which now lies in common for the use of said John Richard and Susanna in proportion to their respective rights therein. Which said premises in virtue of a licence from the Supreme Judicial Court were contracted to be conveyed to the said John Codman by Nathaniel Appleton Esquire late guardian of said Susanna Loring but now deceased, which said contract was never fulfilled by reason of the death of said Nathaniel before the time

stipulated for the fulfilment thereof; but in pursuance of which contract the said Codman paid to the said Nathaniel Appleton for the use of said Susannah Loring two hundred and forty six dollars. *Provided* that said John Codman shall pay to the said Edward Gray the further sum of nine hundred and eighty four dollars and interest thereon for sixty days according to the contract made by the said Nathaniel as aforesaid. *Provided also* that the said Edward Gray shall first give bond with sufficient sureties to the Judge of Probate for the County of Suffolk to account for said sum according to law.

January 22, 1799.

Chapter 82.

RESOLVE ON THE PETITION OF EDWARD BARNES, NOAH RICE AND OTHERS, DIRECTING THE ATTORNEY-GENERAL NOT TO PROSECUTE THE SAID SELECTMEN FOR NEGLECT IN NOT RETURNING THE VOTES FOR A FEDERAL REPRESENTATIVE.

On the Petition of Edward Barnes and Noah Rice in behalf of themselves & the other Selectmen of the town of Marlborough.

Resolved that the Prayer of the said Petition be granted and the Attorney General is hereby directed not to prosecute the said Selectmen or either of them for their neglect in not returning in due season the votes given in by the Inhabitants of the said town, for a member of Congress, on the first monday of November last.

January 22, 1799.

Chapter 82A.*

ORDER ON PETITION OF STEPHEN CUMMINGS AND OTHERS.

Upon the petition of Stephen Cummings, Thaddeus Brown and America Hamlin a Committee in behalf of the Town of Waterford, praying to be set off from the County of York and annexed to the County of Cumberland.

Ordered, that the petitioners cause the Inhabitants of the Counties of York and Cumberland to be notified by serving the Clerks of the General Sessions of the Peace of both said Counties with an attested Copy of their petition and this order thereon, fifty days at least before

* Not printed in previous editions. Taken from court record.

the second Wednesday of the first Session of the next General Court, to shew cause, if any they have, why the prayer of the petition should not be granted.

January 23, 1799.

Chapter 83.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF YORK AND GRANTING A TAX.

Whereas the Treasurer of the County of York has laid his Accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the General Sessions of the peace for said County has laid before the General Court an estimate made by said Court of General Sessions of the peace of the necessary charges likely to arise in said County the present year amounting to eighteen hundred & sixty one dollars :

Resolved that the sum of eighteen hundred and sixty one dollars be and hereby is granted as a tax for said County of York, to be apportioned assessed collected & applied for the purposes aforesaid agreeable to law.

January 24, 1799.

Chapter 84.

RESOLVE ALLOWING COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF BARNSTABLE AND GRANTING A TAX.

Whereas the Treasurer of the County of Barnstable has laid his Accounts before the General Court in manner prescribed by law which are hereby allowed; & whereas the Clerk of General Sessions of the peace of sd. County of Barnstable has laid before the General Court an estimate made by said General Sessions of the debts due from, and the necessary charges likely to arise within, sd. County the present year, amounting to one thousand & sixteen dollars :

Resolved that the sum of one thousand & sixteen dollars be and hereby is granted as a tax for sd. County of Barnstable to be apportioned assessed collected & applied to the purposes aforesaid in manner as the law directs.

January 24, 1799.

Chapter 84A.*

ORDER ON THE PETITION OF SAMUEL TOBEY ESQ. AND OTHERS

On the petition of Samuel Tobey Esqr. and other Inhabitants of the County Bristol, praying for permission to build a Toll-bridge over that part of Taunton Great River, which separates the Towns of Dighton and Berkley.

Ordered that the petitioners notify the Inhabitants of the Towns of Taunton, Raynham, Dighton and Berkley, by serving the respective Town Clerks thereof, with an attested Copy of their petition and this Order thereon, thirty days at least before the second Wednesday of the first Session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said Petition should not be granted.

January 24, 1799.

Chapter 85.

RESOLVE ON THE PETITION OF JOHN POLLEY, IN BEHALF OF THE SELECTMEN OF THE DISTRICT OF HOLLAND, DIRECTING THE ATTORNEY-GENERAL NOT TO PROSECUTE SAID SELECTMEN FOR NEGLECT.

On the petition of John Polley in behalf of the Selectmen of the District of Holland praying that said Selectmen may be discharged from a fine for not making return to the Secretary's Office of the votes for Federal Representative.

Resolved that the Attorney General be directed not to prosecute said Selectmen for their neglect aforesaid.

January 24, 1799.

Chapter 86.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF CUMBERLAND AND GRANTING A TAX.

Whereas the Treasurer of said County of Cumberland has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed: and the Clerk of General Sessions of the peace for said County of Cumberland has laid before the General Court an estimate made by said General Sessions of the peace of the debts due from, and of the necessary charges likely to

* Not printed in previous editions. Taken from court record.

arise, within, said County the present year amounting to four thousand eight hundred dollars: also that another sum of two thousand two hundred dollars is necessary to pay the remaining sums due for building the Goal in said County; and also that another sum of one thousand dollars is necessary to complete the goal-house in said County:

Resolved that the sum of eight thousand dollars be and hereby is granted as a tax for said County of Cumberland to be apportioned, assessed, collected & applied for the express purposes aforesaid in manner as the law directs.

January 24, 1799.

Chapter 87.

RESOLVE ON THE PETITION OF JOHN PECK, AUTHORIZING PELEG COFFIN AND THOMAS DAVIS, ESQ'RS. TO ADJUST THE DEMANDS OF THIS COMMONWEALTH AGAINST HIM.

On the petition of John Peck, praying, for reasons set forth in his said petition, that he may be discharged from a part of the payment of four notes given by him together with William Wetmore & Samuel Waldo, to the Treasurer of this Commonwealth.

Resolved, that Peleg Coffin & Thomas Davis Esqrs. be, & they hereby are authorized & empowered to adjust & settle the demands of this Commonwealth against the said John Peck in such manner as they may judge reasonable & most to the advantage of the Commonwealth; & also to make & execute such discharge or discharges as they may judge proper & necessary in the premises.

January 24, 1799.

Chapter 87A.*

ON THE PETITION OF THE INHABITANTS OF SOUTHFIELD.

On the petition of the Inhabitants, Freeholders and Proprietors of Lands belonging to Southfield in the County of Berkshire, praying that the Boundaries of said Southfield may be restricted to the Westerly bank of Farmington River.

Ordered that the Petitioners notify the Town of Granville, by leaving an attested Copy of their petition with this Order thereon, with the Clerk of said Town, thirty

* Not printed in previous editions. Taken from court record.

days at least before the second Wednesday of the first Session of the next General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition may not be so far granted as to restrict said Southfield to the middle of said Farmington River, and that the remainder of said River be annexed to the Town of Granville. *January 25, 1799.*

Chapter 87b.*

ORDER ON THE PETITION OF THADDEUS LEONARD.

On the petition of Thaddeus Leonard of West Springfield in the County of Hampshire, praying for an alteration in an Act passed November 30th 1785, incorporating certain Lands owned by Abraham Burbank Esqr. and others, lying between Agawam Street and Feeding Hills Street, so called, in West Springfield, into a General Field.

Ordered, that the Petitioner notify the Proprietors of said General Field, by leaving an attested Copy of his petition and this Order thereon, with the Clerk of said Corporation, at least Thirty days before the second Wednesday of the first Session of the next General Court, that they may then appear & shew cause if any they have, why the prayer of said petition should not be granted.

January 25, 1799.

Chapter 88.

RESOLVE ON THE PETITION OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF CUMBERLAND, GRANTING ONE HUNDRED AND EIGHTY THREE DOLLARS AND SEVEN CENTS, TO JOSEPH M'LELLEN, TREASURER OF SAID COUNTY.

Whereas the Court of General Sessions of the Peace for the County of Cumberland, by a Petition to this Court, has represented That by an Act of the General Court passed the 27th day of February 1795, provision is made for payment at five shillings a Week, of the Charge of supporting Prisoners committed for Crimes against the Commonwealth who are unable to support themselves but that for want of a timely and particular attention to the directions of said Act the said County cannot be availed of the benefit of the same in the manner therein pointed out — and have therefore prayed that the Account exhibited

* Not printed in previous editions. Taken from court record.

with said Petition for supporting Prisoners of the aforesaid Description, amounting to One hundred and eighty three Dollars and seven Cents may be allowed and paid out of the Treasury of this Commonwealth :

Resolved therefore — That for the Reasons set forth in said Petition the said Sum of One hundred and eighty three Dollars & seven Cents be allowed & paid out of the Treasury of this Commonwealth to Capt. Joseph McLellan Treasurer of said County for the use of the same, in full of said Account.

January 26, 1799.

Chapter 88A.*

ORDER ON THE PETITION OF JOHN TOWN AND OTHERS.

On the Petition of John Town & others.

Ordered that the petitioners notify the Towns of Greenwich Petersham and Hardwick, and also the Courts of General Sessions of the peace for the County of Hampshire and Worcester respectively, by leaving an attested Copy of their petition with this Order thereon with the respective Clerks of said Towns and Courts, eighty days at least before the second Wednesday of the first Session of the next General Court, that all persons interested may then appear and shew cause if any they have, why the Tract of Land described in said petition, may not be incorporated into a Town or District and annexed to the County of Worcester.

January 25, 1799.

Chapter 89.

RESOLVE ON THE PETITION OF SAMUEL FREEMAN, ESQ. DIRECTING THE ATTORNEY-GENERAL TO DISCONTINUE AN ACTION COMMENCED AGAINST HIM, AND PROLONGING PAYMENT, HE GIVING SECURITY TO THE SATISFACTION OF THE GOVERNOR AND COUNCIL.

On the petition of Samuel Freeman Esqr. stating (among other things) that an action has been commenced against him by the Commonwealth on certain Notes or contracts due from him to the said Commonwealth and praying for relief in the premises.

Resolved that the Attorney General of this Commonwealth be and he is hereby directed and empowered to consent to the discontinuance of the said Action on the

* Not printed in previous editions. Taken from court record.

said Freeman's giving security to the Treasurer of the said Commonwealth for the payment of the said debt in five years with Interest which security shall be approved by the Governor and Council. *January 26, 1799.*

Chapter 90.

RESOLVE ON THE PETITION OF BENJAMIN HARVEY AND GEORGE FURGUSON, DISCHARGING THEM FROM THE JUDGMENT DEBTS IN CERTAIN EXECUTIONS, ON CONDITION.

On the petition of Benjamin Harvey & George Furguson praying relief from two Executions severally against them, obtained upon Judgments recovered in the Supreme Judicial Court on a Recognizance entered into by them in said Court held in & for the County of Middlesex, Conditioned for the appearance of Warren Gibbs to answer to an Indictment pending in the same Court — which Executions are now in the hands of the Sheriff of the County of Bristol or his Deputy.

Resolved for reasons set forth in said petition that the said Benjamin Harvey, & George Furguson be severally discharged & released from the Judgment Debts in said Executions on condition of their paying to said Sheriff or his Deputy the costs of the suits on said recognizance as specified in said Executions with the officers legal fees thereon, and that said Sheriff or his Deputy, upon receipt of said costs & fees, discharge the said Benjamin Harvey & George Furguson from said Executions & return the same satisfied by Virtue hereof. *January 26, 1799.**

Chapter 90A.†

ORDER ON THE PETITION OF TOWNSHIP NO. 3.

Upon the petition of the Committee appointed by the Inhabitants and Settlers of Township Number Three, east of Penobscott River in the County of Hancock, praying that the Attorney General may be directed to institute an Inquest of Office against David Marsh & others original Grantees of the Township aforesaid for a breach of the conditions of the said Grant and Confirmation.

Ordered that the Petitioners notify the said David

* Not signed by the governor.

† Not printed in previous editions. Taken from court record.

Marsh and others Grantees and Proprietors of the Township aforesaid, by printing their said Petition and this Order of Notice thereon, in the Massachusetts Mercury printed at Boston, three weeks successively, the last publication to be sixty days at least before the second Wednesday of the next sitting of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said Petition should not be granted.

January 26, 1799.

Chapter 90B.*

ORDER ON THE PETITION OF NOAH FULLER.

On the petition of Noah Fuller of Rehoboth in the County of Bristol, praying that he and his estate may be set off from the first Precinct in said Rehoboth, and annexed to the second Precinct therein.

Ordered, that the Petitioner notify the Inhabitants, of said first Precinct, by serving the Clerk thereof with an attested copy of his petition and this order thereon, thirty days at least before the second Wednesday of the first Session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted. *January 26, 1799.*

Chapter 91.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WOBURN, REMITTING A FINE INCURRED FOR NOT MAKING DUE RETURN OF THE VOTES FOR FEDERAL REPRESENTATIVE IN NOVEMBER LAST, AND DIRECTING THE ATTORNEY-GENERAL IN THIS CASE.

On the petition of the Selectmen of Woburn, praying that a fine incurred by them for not making due return of the votes given in by the inhabitants of the said town on the first Monday of November last, may be remitted to them.

Resolved, for reasons set forth in said petition, that the fine aforesaid be, & it is hereby remitted to the said Selectmen. And the Attorney General is hereby directed to govern himself accordingly. *January 28, 1799.†*

* Not printed in previous editions. Taken from court record.

† Not signed by the governor.

Chapter 92.

RESOLVE ON THE PETITION OF JONATHAN JONES, GRANTING HIM SIX HUNDRED AND NINETY FIVE DOLLARS, IN FULL COMPENSATION FOR THE LOSS HE SUSTAINED.

On the petition of Jonathan Jones praying for compensation for the loss of two barns containing a large quantity of hay & other property, which, in the month of November in the year 1795, were consumed by fire by certain evil minded persons unknown to the Petitioner.

Resolved, that there be paid out of the treasury of this Commonwealth to the said Jonathan Jones, the sum of six hundred & ninety five dollars in full compensation for the loss sustained by him as aforesaid.

January 29, 1799.

Chapter 93.

RESOLVE AUTHORIZING THE TREASURER OF THIS COMMONWEALTH TO ADJUST AND SETTLE THE DEMANDS OF SAID COMMONWEALTH AGAINST JOHN PECK.

Whereas Thomas Davis esqr. declines exercising the authority and power delegated to him by a resolution passed the 24th inst. to settle and adjust the demands of this Commonwealth against John Peck on certain Notes mentioned in said resolve :

Resolved that the Treasurer of the Commonwealth be, and he hereby is authorized to adjust and settle the demands of this Commonwealth against John Peck on account of four Notes signed by him, together with William Wetmore and Saml. Waldo, in such manner as he the said Treasurer may judge reasonable and most to the advantage of the Commonwealth ; and to make and execute such discharge or discharges as he may judge proper and necessary in the premises.

January 29, 1799.

Chapter 94.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF ESSEX AND GRANTING A TAX.

Whereas the Treasurer of the County of Essex has laid his Accounts before the General Court, in manner prescribed by law, which are hereby allowed ; and whereas the Clerk of General Sessions of the peace of said County

has laid before the General Court an estimate made by said General Sessions of the debts due from and the necessary charges likely to arise within said County the present year, amounting to three thousand dollars :

Resolved, that the sum of three thousand dollars be, and the same hereby is granted as a tax for said County of Essex to be apportioned, assessed, collected and applied to the purposes aforesaid in manner as the law directs.

January 29, 1799.

Chapter 95.

RESOLVE ON THE PETITION OF JOHN ROWE, IN BEHALF OF THE TOWN OF GLOUCESTER, REMITTING A FINE ON SAID TOWN, AND DIRECTING THE ATTORNEY-GENERAL TO GOVERN HIMSELF ACCORDINGLY.

On the Petition of John Rowe in behalf of the Selectmen of the Town of Gloucester.

Resolved, That for reasons set forth in said Petition, the fine incurred by said Selectmen for their neglecting to cause the Inhabitants of the said Town of Gloucester duly qualified to vote for Representatives in the General Court in this Commonwealth to assemble on the first Monday of November last, to give in their votes for a Federal Representative for the fourth middle District in this Commonwealth, as by law they ought to have done, be & hereby is remitted, & the Attorney General is hereby directed to govern himself accordingly.

January 29, 1799.

Chapter 96.

RESOLVE ON THE PETITION OF ELIZABETH NIGHTINGALE.

On the petition of Elizabeth Nightingale Guardian of William Nightingale, Joseph Nightingale, & George Corlis Nightingale, Minors, & Children of Joseph Nightingale, late of Providence deceas'd, intestate, praying that some suitable person may be authorized to convey to the Settlers on the lots in the Township therein mentioned, the lands to which they are respectively entitled, and to sell other lots in said Township as opportunity shall offer, in order to encrease the value of the rest.

Resolved that for the reasons set forth in said petition, the prayer thereof be, & the same is hereby granted — and that the said Elizabeth Nightingale, be, & she is

hereby authorized & empowerd, in behalf of said William Nightingale, Joseph Nightingale, & George Corlis Nightingale, to join with the other heirs at Law of said Joseph Nightingale deceased, and Samuel W. Green, the other Tenant in Common of said Township, and with them to execute proper deeds to convey to each settler in said Township, who settled on Settlers lots, so called, laid out by the Plymouth Company, Two hundred Acres conformably to said Companys survey, and to each other Settler who settled in said Township, before the first day of January, in the Year Seventeen hundred & Ninety One, One hundred Acres, to be laid out so as best to include their respective improvements, & be the least injurious to the adjoining lands — The Settlers last mention'd, who settled before Jany. A D 1784, severally paying Five Dollars, & those who settled since that time, severally paying Twenty Dollars to the Grantors for the same, within One Year from the time they shall respectively have notice thereof, from the Grantors or any of them, & before the said Deeds shall be deliver'd to them respectively.

And it is further Resolved, That the said Elizabeth Nightingale, he, & she is hereby fully empowered, in behalf of the Minors aforesaid, respectively, during their respective Minorities, to join with the other heirs at Law of said Joseph Nightingale deceased, and the said Green, in selling & conveying to such person or persons as she shall think proper, such & so many lots in the Township aforesaid, (not exceeding in the whole One fourth part thereof,) as she shall think expedient, & for the interest of the Proprietors of said Township, in order to encourage the settlement thereof, & to encrease the value of the residue. *Provided* the said Elizabeth shall give bond with Two sufficient sureties, living in this Commonwealth, to the Judge of Probate in the County of Bristol in the sum of two thousand Dollars, conditioned, that she shall account for the money she may receive for the sale of the lands aforesaid, on account of said Minors, agreeably to Law. *And provided also* she shall make oath, that she will faithfully execute the Trust hereby reposed in her — and will sell the said Minors rights, in the lots aforesaid, other than Settlers lots, as before described, for the most she can obtain therefor — And the deed or deeds which shall be executed by said Elizabeth in behalf of said Minors respectively, in pursuance hereof, shall be valid

and effectual, for conveying their respective rights in the lands described in said deeds, & be conclusive upon them, their heirs & assigns. *January 29, 1799.*

Chapter 97.

RESOLVE ON THE PETITION OF ROBERT GARDNER, CAPTAIN OF A NEW COMPANY OF ARTILLERY IN THE TOWN OF BOSTON, GRANTING HIM ONE HUNDRED DOLLARS IN ADDITION TO THE SUM ALREADY GRANTED BY LAW.

On the petition of Robert Gardner Captain of a new Company of Artillery in the sub-legion of Artillery in the Town of Boston.

Resolved — That in consideration of the extra services to which the Artillery Corps in the Metropolis are liable — there be allow'd & paid out of the Treasury of this Commonwealth, to the said Capt. Robert Gardner, One hundred Dollars, towards defraying the expences of erecting the New Gun House on Copse Hill in Boston — in addition to the sum already allowed by law.

January 29, 1799.

Chapter 98.

RESOLVE ON THE PETITION OF JOHN CHANDLER WILLIAMS, IN BEHALF OF JULIUS DEMING, AUTHORIZING HIM TO EXECUTE A DEED AS EXECUTOR OF THE LAST WILL OF MANNA WADSWORTH.

On the Petition of John Chandler Williams in behalf of Julius Deming praying that the said Williams may be authorized in his Capacity of Executor of the last Will of Manna Wadsworth to give a deed to Daniel Root.

Resolved that the prayer of the said petition be granted and the said John Chandler is hereby authorized in his capacity of Executor of the last Will of Manna Wadsworth late of Pittsfield in the county of Berkshire, to make a deed conveying to the said Daniel Root a tract of land, containing one acre & one hundred & thirty two rods of land, being a piece of land conveyed to said Manna by the Deed of Stephen Meed Junior Dated January the eleventh A D 1796.

January 29, 1799.

Chapter 99.

RESOLVE ON THE PETITION OF ISAAC PARSONS, DIRECTING THE SECRETARY TO DELIVER AN ORIGINAL PAPER TO HIM.

On the petition of Isaac Parsons as Administrator to the Estate of Josiah Noyes praying that he may have leave to take out from the office of the Secretary of this Commonwealth a certain original Memorandum, said to be written by William Ting Esqr. formerly Sheriff of the County of Cumberland, which original paper is filed with a certain petition heretofore preferred to the Legislature of this Commonwealth by the aforesaid Josiah Noyes, in his life time.

Resolved that the said Isaac Parsons have leave to take out the said original paper from the office of the Secretary, leaving an attested copy of the same to be filed in it's place.

January 29, 1799.

Chapter 100.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF RUSSELL.

On the petition of the Selectmen of the Town of Russell in the County of Hampshire.

Resolved, that for reasons set forth in said Petition, the Fine incurred by said Selectmen, for their neglecting to cause the Inhabitants of said Town of Russell — duely qualified to Vote for Representatives in the General Court in this Commonwealth to Assemble on the first Monday of November last, to give in their Votes for a Federal Representative for the second Western district in this Commonwealth, as by Law they ought to have done, be and hereby is remitted & the Attorney General is hereby directed to govern himself accordingly.

January 29, 1799.

Chapter 101.

RESOLVE ON THE PETITION OF BENJAMIN GARDNER AND DAVID HAGER, GRANTING THE PRAYER THEREOF, WITH A PROVISIO.

On the petition of Benjamin Gardner and David Hager praying to be released from the forfeiture of a recognizance entered into by them before the Supreme Juditial Court in and for the County of Middlesex.

Resolved, For reasons Set forth in said petition that the prayer thereof be granted; *provided* the Said Gardner and Hager pay the Costs which have already arisen in Consequence of the forfeiture of the recognizance aforesaid.
January 30, 1799.

Chapter 102.

RESOLVE ON THE PETITION OF LUKE BEMIS.

On the Petition of Luke Bemis.

Resolved that the time of payment of Three Thousand Three Hundred & Thirty Three Dollars Thirty Three Cents, as required by a Resolve of June 19th, 1793 to be paid by said Bemis, Be and hereby is Suspended, and the same to be paid by Installments, vizt. Eleven Hundred & Eleven Dollars & Eleven Cents on the First day of July, 1799, with interest from July 1st, 1798 Eleven Hundred & Eleven Dollars Eleven Cents on the First day of July 1800, with Interest from July 1st, 1798 — Eleven Hundred and Eleven Dollars Eleven Cents on the First of July 1801 with Interest from July 1st 1798 — and that the Treasurer be directed to retain The Mortgage Given by said Bemis untill the whole is paid. *January 30, 1799.*

Chapter 103.

RESOLVE ON THE PETITION OF JOHN SULLIVAN, OF BOSTON, AND ELIZABETH, HIS WIFE.

On the Petition of John Sullivan of Boston in the County of Suffolk Merchant, and Elizabeth his Wife, by the name of John L. Sullivan and Elizabeth his wife, Praying that they may be empowered for certain Reasons to sell, and convey Real Estate, whereof they are seized in her right, her minority notwithstanding.

Resolved That the Prayer of the Petition be granted, and that all Deeds, Leases & Conveyances, which shall be made & duly executed by them during her minority of her real estate to an amount not exceeding seven thousand, four hundred dollars shall be as good, & effectual in Law, to pass, convey, or Lease such Estate, as if the said Elizabeth at the time of making, and executing of such Deed, was of full age; any Law or Custom to the Contrary notwithstanding.
January 30, 1799.

Chapter 103A.*

ORDER ON THE PETITION OF THE INHABITANTS OF BROOKFIELD
AND SPENCER.

On the petition of a number of the Inhabitants of the Towns of Brookfield and Spencer, praying to be incorporated into a separate Religious Society.

Ordered, That the Petitioners notify the Inhabitants of the said Towns of Brookfield and Spencer, by serving the respective Clerks thereof with an attested Copy of their petition and this Order thereon, thirty days at least before the second Tuesday of the first Session of the next General Court, that they may then appear and shew cause if any they have, why the prayer of said Petition should not be granted.

January 30, 1799.

Chapter 104.

RESOLVE DIRECTING THE ATTORNEY-GENERAL TO INSTITUTE A PROCESS FOR THE RECOVERY OF A DEBT DUE FROM THE ESTATE OF NOAH GOODMAN, ESQ. LATE COLLECTOR OF EXCISE FOR THE COUNTY OF HAMPSHIRE, AND APPOINTING CHARLES PHELPS, ESQ. TO FURNISH THE ATTORNEY-GENERAL WITH EVIDENCE.

Resolved that the Attorney General be and he hereby is directed to institute such process, or processes, as may be necessary, for the recovery of any debts due to the Commonwealth from the estate of Noah Goodman Esqr. late Collector of Excise for the County of Hampshire; and for the satisfaction of a judgment rendered against the said Goodman, by the Supreme Judicial Court, at their term holden in the County of Suffolk February 1796; — and to prosecute the same to final Judgment and execution. And that Charles Phelps Esqr. be and hereby is appointed to furnish the Attorney General with the evidence necessary to support the process or processes beforementioned.

January 30, 1799.

Chapter 105.

RESOLVE ON THE PETITION OF SILAS MOODY AND SETH BURNHAM, AUTHORIZING SAID BURNHAM TO SELL AND CONVEY THE LAND MENTIONED.

On the petition of Silas Moody and Seth Burnham.

Resolved, that the prayer of the petition be granted, and that Mr. Seth Burnham, or any other person the

* Not printed in previous editions. Taken from court record.

Town may appoint, be, and he or they are hereby authorised to sell and convey two hundred acres of land in the town of Arundel, appropriated to the use of the Ministry in said town — to make and execute good and sufficient Deed or Deeds of the same, and to deposit the money in some publick funds, the interest arising therefrom to be appropriated, according to the original grant.

January 30, 1799.

Chapter 106.

RESOLVE ON THE PETITION OF SAMUEL THOMSON, EXECUTOR OF THE WILL OF JOSEPH JOHNSON, JUN. EMPOWERING HIM TO EXECUTE A DEED, HE TO ACCOUNT TO THE JUDGE OF PROBATE FOR MIDDLESEX.

On the Petition of Samuel Thomson Executor of the last Will and Testament of Joseph Johnson Jur. late of Woburn Deceased, praying that he may be authorized to Execute a Deed of one half of a Pew in Woburn second Parish Meeting House to Samuel Walker agreeably to a Contract made by said deceased in his life time.

Resolved for reasons set forth in said Petition that the prayer thereof be granted; and that the said Samuel Thomson execute a Deed Accordingly; and that the said Samuel Thomson account to the Judge of Probate for the County of Middlesex for the proceeds of said Pew Agreeably to Law.

January 31, 1799.

Chapter 107.

RESOLVE ABATING FINES TO THE SEVERAL TOWNS THAT NEGLECTED TO SEND A REPRESENTATIVE THE LAST YEAR.

Whereas the towns hereafter mentioned were fined in the several sums, annexed to their respective names, for not sending a Representative to the General Court, the last year, that is to say :

Sharon, Fifty nine Dollars, thirty cents; Methuen, Ninety three Dollars, fifteen cents; Brunswick, Seventy four Dollars, forty three cents; Hubbardston, Sixty two Dollars, twenty three cents; Bristol, One hundred & eight Dollars, twenty nine cents; Littleton, Sixty three Dollars, eighty eight cents; Wrentham, One hundred & thirty three Dollars, sixty four cents; Westminster, Ninety one Dollars, eighteen cents; Needham, Ninety Dollars, fifty six cents; Royalston, Sixty one Dollars,

forty one cents; Dighton, Ninety five Dollars; Boylston, Seventy three Dollars, seventy three cents; Holden, Seventy nine Dollars, sixty six cents; Fitchburgh, Sixty six Dollars, ninety seven cents; Billerica, One hundred Dollars, twenty eight cents; Monson, Fifty two Dollars, sixty four cents; Western, Seventy three Dollars, sixty six cents; Leicester, Eighty six Dollars, twenty cents; Milford, Fifty nine Dollars, sixty cents; Falmouth, Seventy six Dollars, ninety three cents; Northfield, Sixty eight Dollars, eighty five cents; Greenwich, Sixty three Dollars, thirty three cents; Winchendon, Sixty six Dollars, sixty cents; Yarmouth, Seventy seven Dollars, ten cents; Oxford, One hundred Dollars, four cents; Hardwick, One hundred & fifteen Dollars, forty five cents; Woburn, One hundred & twenty five Dollars and sixty two cents; Topsfield, Seventy four Dollars seventy one Cents; Sterling, One hundred & ten Dollars ninety Cents; Buxton, Seventy nine dollars forty cents; Sanford, Seventy five Dollars:

Resolved for reasons set forth by representations from the aforesaid towns respectively, that the said fines be remitted, and the towns aforesaid are hereby respectively discharged from paying the same, any Law or resolve to the contrary notwithstanding. *February 1, 1799.*

Chapter 108.

RESOLVE AUTHORIZING THE COMMITTEE ON ACCOUNTS TO EXAMINE ACCOUNTS OF GAOLERS TO WHOSE CUSTODY CONVICTS FROM CASTLE ISLAND HAVE BEEN COMMITTED.

Resolved That the committee of both houses appointed to examine and pass on publick accounts for the time being be and they hereby are authorized to examine the accounts of the several gaolers to whose custody were committed any of the convicts lately confined at Castle Island by force of a resolution of the Legislature passed at their last session, and to allow all or any part of any such accounts as they shall think just and reasonable.

February 1, 1799.

Chapter 109.

RESOLVE ON THE PETITION OF EPHRAIM BALLARD.

On the petition of Ephraim Ballard praying for compensation for damages sustained by him by a lawless com-

pany of men on the night between the 12th & 13 of Novr. 1795 in destroying his compass & other articles, while he was in the employment of this Commonwealth.

Resolved, that there be paid out of the treasury of this Commonwealth to the said Ephraim Ballard the sum of thirty dollars in full compensation for the damage sustained by him as aforesaid.

February 1, 1799.

Chapter 110.

RESOLVE RESPECTING THE COURT OF SESSIONS IN THE COUNTY OF SUFFOLK AND FOR HOLDING A COURT IN SAID COUNTY, FOR THE PURPOSES MENTIONED, ON THE 7TH OF FEB. INST.

Whereas the Court of general Sessions of the peace begun and held at Boston within and for the County of Suffolk on the first tuesday of January instant have adjourned the Session thereof to the fifteenth day of April next without having regularly settled the County Treasurers accounts for the year past on account of which there is a difficulty in allowing a Tax for the same County in the present year :

Therefore Resolved that a Court of general sessions of the peace within and for the said County of Suffolk [*be*] held on thursday the seventh day of February next by any three or more Justices of the peace within and for the same County one or more of whom to be of the quorum for the special purpose of settling the County Treasurers account and for no other business and that whatever shall be done by the same Court as to such settlement shall be [*as*] good & valid as if done at the said Term begun in January current.

February 1, 1799.

Chapter 110A.*

ORDER ON THE PETITION OF ELIPHAZ CHAPMAN AND OTHERS.

On the Petition of Eliphaz Chapman and others, Inhabitants of the Town of Bethel in the County of York, praying that sd. Town may be set off to the County of Cumberland.

Ordered that the Petitioners cause the Inhabitants of the Counties of York and Cumberland to be notified, by serving the Clerks of the general Sessions of the peace of both said Counties with an attested Copy of their Petition and

* Not printed in previous editions.

this Order thereon fifty Days at least before the Second Wednesday of the first Session of the next general Court, to shew cause if any they have, why the Prayer of sd. Petition should not be granted. *February 1, 1799.*

Chapter 111.

RESOLVE ON THE PETITION OF WILLIAM PHILLIPS, JUN. ALLOWING HIM A FURTHER TIME TO SETTLE THIRTY FAMILIES UPON THE TOWNSHIP MENTIONED.

Upon the petition of William Phillips Jur. praying to be allowed the term of four years, in addition to the term of six years, mentioned in his Deed to compleat his contract, by settling thirty families on the Township mentioned in his petition.

Resolved, that whereas, the said William Phillips Jur. paid into the Treasury of this Commonwealth the money due upon his said Notes for said Township, more than twelve months, before it became due; that he be allowed the term of four years, from and after the first day of May next, to settle upon said Township, thirty families including the families now settled thereon. *February 2, 1799.*

Chapter 112.

RESOLVE ON THE PETITION OF NATHANIEL GARDNER, AUTHORIZING WILLIAM AND MARY TUTTLE TO EXECUTE A DEED.

On the Petition of Nathl. Gardner, which sets forth That one Joseph Bancroft by deed dated June 30, 1787 conveyed to Benjamin Bancroft certain lands and buildings described in said petition — That after the giving of said deed and before recording the same said premises were attached at the suit of Isaac Reed and afterwards viz. Oct. 6, 1788 were extended upon execution in the same suit. That shortly after said extent said Reed died intestate, leaving a widow Mary Reed, and three children, (one of whom is since deceased, and the survivors are yet and for several years to come will be minors) That after the decease of said Isaac Reed and after the expiration of one year from the extent of said execution, viz. June 30, 1790 the said Benjamin Bancroft paid said Mary administratrix on said Isaacs estate and guardian to said children the sum due to the estate of said Isaac by force of said execution, (being the sum at which said estate was appraised

with the interest thereof viz. eight hundred dollars) and took of the said Mary a quit claim deed as administratrix of said estate and guardian of said children releasing said premises to said Benjamin Bancroft — That said Benjamin Bancroft has been in the quiet possession of said premises ever since, and in October last conveyed the same by warrantee deed to the said petitioner And that there is a defect in the title of said Benjamin Bancroft to said premises by reason that more than one year had elapsed from the time they were taken in execution as aforesaid before said release, and the fee thereof was therefore vested in said children so that said Mary could not pass the same by her said deed without license therefor.

Resolved for reasons set forth in said petition That William Tuttle and said Mary now his wife administrator in her right on said Isaac Reeds estate, be and they hereby are authorized for the consideration of eight hundred dollars by the said Mary received of said Benjamin Bancroft as aforesaid, to make and execute a deed to said Nathaniel Gardner and thereby acquit and transfer to him all the right and title which said Isaac Reed had to said premises by force of the levy of said execution, as fully and effectually as though the said sum of eight hundred dollars had been paid to said Mary and she had thereupon executed a release of said premises within one year from the time of said extent. *Provided* said William Tuttle and Mary his wife shall first give bond to the Judge of Probate in the County of Middlesex, with sufficient surety or sureties at the discretion of said Judge conditioned that they will faithfully account with him for said sum in the settlement of their account of administration of said estate.

*February 4, 1799.**

Chapter 113.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF WORCESTER AND GRANTING A TAX.

Whereas the treasurer of the County of Worcester has laid his Accounts before the General Court, in manner prescribed by law, which are hereby allowed ; and whereas the Clerk of the General Sessions of the peace for said County has laid before the General Court an estimate

* Not signed by the governor.

made by said Court of General Sessions of the peace of the necessary charges likely to arise in said County the present year; amounting to three thousand Dollars:

Resolved, that the sum of three thousand dollars be and hereby is granted as a tax for said County of Worcester to be apportioned, assessed, collected & applied for the purposes aforesaid agreeable to law. *February 5, 1799.*

Chapter 113A.*

ORDER ON THE PETITION OF WILLIAM BRIDGHAM AND OTHERS.

On the petition of William Bridgham & others, Inhabitants of the Towns of New Gloucester and Gray, praying to be incorporated into a Seperate Religious Society by the name of the Christian Independent Society.

Ordered, that the petitioners notify the Inhabitants of said Towns of New Gloucester and Gray, by serving the Clerks thereof respectively, with an attested copy of their petition and this Order thereon, thirty days at least before the second Wednesday of the first Session of the next General Court, that they may then appear & shew cause, if any they have, why the prayer of said petition should not be granted. *February 5, 1799.*

Chapter 114.

RESOLVE ON THE PETITION OF THE TOWN OF TEMPLETON, AUTHORIZING THEM TO ENTER AND PROSECUTE AT THE NEXT SUPREME COURT AT NORTHAMPTON THEIR WRIT OF ERROR UPON A JUDGMENT WHEREON THE TOWN OF SHUTESBURY WERE APPELLANTS AND TEMPLETON APPELLEES; WITH A A PROVISIO.

Resolved, for reasons set forth in their petition, that the said Town of Templeton, be and hereby are authorised to enter, and prosecute, in the next Supreme Judicial Court to be holden at, Northampton, within and for the County of Hampshire, on the last Tuesday of April next, their Writ of Error, upon a Judgment of the Court of Common pleas holden at Northampton, within and for the County of Hampshire, on the Second Tuesday of January A. D. One thousand Seven hundred and [&] Ninety Six, wherein the Town of Shutesbury were appellants and the Town of Templeton appellees, and the said Supreme Judi-

* Not printed in previous editions. Taken from court record.

cial Court are hereby, authorised to proceed, hear and determine the said action, in the same way and manner, to all intents and purposes whatsoever, as if the said Writ of Error, had been, sued out within One Year from the rendition of the Judgment, of the said Court of Common pleas, and to do all things in the premises necessary, and proper to be done in correcting the Error if any, in the former Judgment, and proceedings aforesaid, and for rendering compleat Justice to the parties, in the said Action. *Provided*, that the said Town of Templeton, cause the Town of Shutesbury to be Served with a Copy of this Resolve Attested by the Secretary, Thirty Days at least previous to the last Tuesday of April next.

*February 5, 1799.**

Chapter 115.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to each member of the Council, Senate and house of Representatives, two Dollars for each days attendance the present Session; and a like sum to each Member, for every ten miles distance from his place of abode to the place of Sitting of the General Court.

And be it further Resolved, that there be paid to the President of the Senate, and the Speaker of the House of Representatives, each two Dollars for each days attendance, in addition to their pay as Members.

February 5, 1799.

Chapter 116.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF ASHBURNHAM, RATIFYING THE SALE OF CERTAIN LOTS OF LAND.

On the Petition of the inhabitants of the Town of Ashburnham, praying that the Titles to certain lots of Land, within that Town, which have been sold by a Committee appointed by them for that purpose, may be confirmed to the purchasers.

* Not signed by the governor.

Resolved, That the sale of certain lots of Land in the town of Ashburnham, heretofore granted by this Commonwealth to that Town, for the support of schools, & the Ministry, be, and hereby is ratified, & confirmed, and the deeds of said lands which have been given by Samuel Wilder, Samuel Foster, & Francis Lane, a Committee appointed by the Town for that purpose, shall be considered [as] good and valid in law, to the purchasers of the same as though the consent of the legislature had been previously obtained therefor. *February 5, 1799.*

Chapter 116A.*

ORDER ON THE PETITION OF JNO. SCOTT AND JOSIAH BURNAM.

On the Petition of Jno. Scott & Josiah Burnam, praying that they may be set off from the town of Durham & annexed to the town of Freeport.

Ordered that the Petitioners serve the respective Clerks of the towns of Durham & Freeport with an Attested Copy of their petition with this order thereon thirty days at least before the second Wednesday of the first session of the next Genl. Court, that all persons interested may then appear & shew cause (if any they have) why the prayer of said Petition should not be granted.

February 7, 1799.

Chapter 117.

RESOLVE ON THE PETITION OF SARAH HALL AND OTHERS.

On the petition of Sarah Hall and others praying for a special power to be vested in certain persons to divide the real estate therein mentioned.

Resolved that for the reasons set forth in said petition the prayer thereof be & the same is hereby granted — That Samuel Thurber Junr. John Whipple and Nathan Fisher Esqrs. all of Providence, being duly sworn be & they are hereby authorized & empowered to appraise, divide & assign the real estate of Levi Hall deceased named in said petition situated in this Commonwealth to such of his heirs at Law as the said Thurber Whipple & Fisher shall think proper, and in such manner & proportion as taking the whole of his estate described in said

* Not printed in previous editions.

petition into consideration will make a Just & equitable division thereof amongst his heirs at Law agreeably to the Laws of the respective States in which said Estates are situated — That the division of the said Estates made as aforesaid shall be recorded in the Probate Offices in the several Counties in which said estates are situated and shall be valid & conclusive on the heirs at Law of said Levi their Heirs & assigns.

February 8, 1799.

Chapter 117A.*

ORDER ON THE PETITION OF CYRUS BUCK AND LEVI STOCKWELL.

On the petition of Cyrus Buck and Levi Stockwell, inhabitants of the Town of Chester in the County of Hampshire, praying that they and their estates may be set off from the Town of Chester, and annexed to the Town of Worthington in said County.

Ordered, That the petitioners notify the aforesaid Towns of Chester and Worthington, by leaving with the respective Clerks of said Towns, an attested Copy of their petition with this order thereon, thirty days at least before the second Wednesday of the first Session of the next General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

February 9, 1799.

Chapter 117B.*

ORDER ON THE PETITION OF NATHAN BACHELOR AND OTHERS.

On the Petition of Nathan Bachelor and others, Inhabitants of the town of Mount Vernon in the County of Lincoln, praying that they may be set off from said Town of Mount Vernon, and annexed to the Town of Reedfield in said County.

Ordered, that the petitioners notify the aforesaid towns of Mount Vernon and Reedfield by leaving an attested copy of their petition with this order thereon, with the respective Clerks of said towns, thirty days at least before the second Thursday of the first Session of the next General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

February 9, 1799.

* Not printed in previous editions. Taken from court record.

Chapter 117c.*

ORDER ON PETITION OF THE TOWNS OF SIDNEY AND BELGRADE.

On the Petition of the Selectmen of the Towns of Sidney and Belgrade praying that, that part of the fifth Division of Lots, which lies in the Town of Sidney may be set off and annexed to the Town of Belgrade.

Ordered that the Petitioners notify the aforesaid Towns of Sidney and Belgrade by leaving with the respective Clerks of said Towns an attested Copy of their Petition with this order thereon Forty days at least before the second Monday of the first Session of the next General Court that all persons interested may then appear and shew cause if any they have why the prayer of said Petition should not be granted.

February 9, 1799.

Chapter 118.

RESOLVE ON THE PETITION OF GILBERT DENCH, AUTHORIZING HIM TO REVIEW A CERTAIN ACTION; WITH A PROVISIO.

On the Petition of Gilbert Dench of Hopkinton in the County of Middlesex praying for liberty to review a certain Action commenced against him by Benjamin Edwards of Framingham in the said County of Middlesex, in which Action, at the Supreme Judicial Court holden at Concord within & for the County of Middlesex aforesaid on the second Tuesday of April in the Year of our Lord one thousand seven hundred and ninety five, Judgment was rendered in favour of the said Benjamin against the said Gilbert for the sum of eighty one pounds & ten shillings Damages and thirty eight pounds & one penny costs of suit.

Resolved, for Reasons set forth in said Petition, that the said Gilbert, he, & he hereby is authorized to review the said action, and for that purpose, at the next Supreme Judicial Court to be holden at Concord within and for the said County of Middlesex on the second Tuesday of April next the same action of review to enter, and to prosecute the same to final Judgment & Execution — And the said Supreme Judicial Court are hereby authorized to take cognizance of the same, and the said Judgment to reverse or affirm either in the whole or in part according to the

* Not printed in previous editions.

merits of the case, and to proceed therein in the same manner as if the cause had been brought before them by writ of review in the common form — he the said Gilbert filing in the said Court an attested Copy of the said Judgment and of all the papers filed in the said cause — And Execution upon the said Judgment is hereby stayed, *provided* that the said Gilbert within twenty days from passing this resolve enter into a Bond with surety or sureties to the said Benjamin, to be approved of by the said Court in any County, conditioned to pay the damages & costs which the said Benjamin may finally recover in said Action — *Provided however*, that the said Gilbert shall cause the said Benjamin to be duly served with an attested Copy of this Resolve fourteen days at least before the said second Tuesday of April. *February 12, 1799.*

Chapter 118A.*

ORDER DIRECTING THE SECRETARY RELATIVE TO RECORDING AND PRINTING ANSWER TO THE RESOLUTIONS OF THE STATES OF VIRGINIA AND KENTUCKY.

Ordered that the Secretary cause the answer of both Houses to the Resolutions of the States of Virginia and Kentucky, relative to certain supposed infractions of the Constitution of the United States by the Government thereof, to be recorded in his Office, and printed with the Resolves of the General Court. *February 12, 1799.*

Chapter 119.

REPLY OF THE LEGISLATURE TO RESOLUTIONS OF THE STATE OF VIRGINIA.

The Legislature of Massachusetts, having taken into serious consideration the resolutions of the State of Virginia, passed the twenty first day of December last & communicated by His Excellency the Governor, relative to certain supposed Infractions of the Constitution of the United States by the Government thereof — and being convinced that the Federal Constitution is calculated to promote the happiness prosperity & safety of the people of these United States, and to maintain that Union of the several States, so essential to the welfare of the whole, and being bound by solemn oath to support and defend

* Not printed in previous editions.

that Constitution, feel it unnecessary to make any professions of their Attachment to it, or of their firm determination to support it against every aggression Foreign or Domestic. But they deem it their duty solemnly to declare That while they hold sacred the principle, that the consent of the People is the only pure source of Just & Legitimate power, they cannot admit the right of a State Legislature to denounce the administration of that Government to which the people themselves by a solemn compact have exclusively committed their national concerns. That although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity upon groundless or trivial pretexts have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their Relations abroad.

That this Legislature are persuaded, that the decision of all cases in law and equity arising under the Constitution of the United States, and the Construction of all Laws made in pursuance thereof are exclusively vested by the people in the Judicial Courts of the United States.

That the People in that solemn compact which is declared to be the *Supreme Law* of the Land have not constituted the State Legislatures, the Judges of the Acts or measures of the Federal Government, but have confided to them, the power of proposing such amendments of the Constitution as shall appear to them necessary to the interests, or conformable to the wishes of the people whom they represent.

That by this Construction of the Constitution an amicable & dispassionate remedy is pointed out for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved without Interruption.

But should the respectable State of Virginia persist, in the assumption of the right to declare the acts of the National Government unconstitutional, and should she oppose successfully her force and will to those of the Nation, the Constitution would be reduced to a mere Cypher — to the form and pageantry of authority without the energy or power — Every act of the Federal Government which thwarted the views or checked the ambitious projects of a particular State or of its leading and influ-

ential members would be the object of opposition and of Remonstrance while the people convulsed and confused by the conflict between two hostile Jurisdictions enjoying the protection of neither would be wearied into a submission to some bold Leader who would Establish himself on the ruins of both.

The Legislature of Massachusetts, although they do not themselves claim the right nor admit the authority of *any* of the State Governments, to decide upon the Constitutionality of the acts of the Federal Government, still, lest their silence should be construed into disapprobation, or at best into a doubt of the Constitutionality of the acts referred to by the State of Virginia, and as the General Assembly of Virginia has called for an expression of their sentiments, Do explicitly declare, that they consider, the acts of Congress commonly called “the Alien & Sedition Acts” not only Constitutional, but Expedient and necessary.

That the former Act respects a description of persons whose rights were not particularly contemplated in the Constitution of the United States — who are entitled only to a temporary protection while they yield a temporary allegiance — a protection which ought to be withdrawn, whenever they become “dangerous to the public safety” or are found guilty of “Treasonable Machinations” against the Government.

That Congress having been especially intrusted by the People with the General Defence of the Nation, had not only the right but were bound to protect it against internal as well as external Foes.

That the United States at the time of passing the “Act concerning Aliens” were threatened with actual Invasion, had been driven by the unjust and ambitious conduct of The French Government into Warlike preparations expensive & burdensome, and had then within the bosom of the Country thousands of aliens who we doubt not were ready to co-operate in any external attack. It cannot be seriously believed, that the United States should have waited till the poignard had in fact been plunged. The removal of Aliens is the usual preliminary of hostility and is justified by the invariable usages of Nations. Actual hostility unhappily had long been experienced and a formal declaration of it, the Government had reason daily to expect. The Law therefore was just and salutary, and no

officer could with so much propriety be entrusted with the Execution of it as the one in whom the Constitution had reposed the Executive power of the United States.

The Sedition act so called is in the opinion of this Legislature equally defensible.

The General Assembly of Virginia, in their Resolve under consideration observe, that, when that State by it's Convention ratified the federal Constitution, it expressly declared, "that among other essential rights, the liberty of conscience & of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," & from its "extreme anxiety to guard these rights from every possible attack of Sophistry or Ambition, with other States recommended an amendment for that purpose, which amendment was in due time annexed to the Constitution;" — but they did not surely expect that the proceedings of their State Convention, were to explain the amendment adopted by the Union. The words of that amendment on this subject are "Congress shall make no law" "abridging the freedom of Speech or of the Press."

The Act complained of is no abridgment of the freedom of either. The genuine liberty of Speech & the Press is the liberty to utter & publish the Truth — but the Constitutional right of the Citizen to utter & publish the truth is not to be confounded with a Licentiousness in speaking & writing that is only employed in propagating falsehood & Slander. This freedom of the press has been expressly secured by most if not all the State Constitutions; and of this provision there has been generally but one construction among enlightened men — that it is a security for the rational use & not the Abuse of the press; of which the Courts of Law, the Juries and people will judge; This right is not infringed, but confirmed & established, by the late act of Congress.

By the Constitution, the Legislative, Executive & Judicial departments of Government are ordained & established; & general enumerated powers vested in them respectively, including those which are prohibited to the several States. Certain powers are granted in general terms by the people to their General Government for the purposes of their safety & protection. That Government is not only impowered, but it is made their duty, to repel invasions and suppress Insurrections, — to guarantee to the several States a Republican form of Government, to

protect each State against Invasion and, when applied to, against domestic violence, — to hear & decide all cases in law & equity arising under the Constitution & under any Treaty or Law made in pursuance thereof — & all cases of admiralty & maritime Jurisdiction & relating to the Law of Nations; whenever therefore it becomes necessary to effect any of the objects designated, it is perfectly consonant to all just rules of construction to infer, that the usual means & powers necessary to the attainment of that object are also granted; but the Constitution has left no occasion to resort to implication for these powers; it has made an express grant of them, in the 8th section of the 1st article, which ordains, “That Congress shall have power to make all laws which shall be necessary & proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.”

This Constitution has established a Supreme Court of the United States, but has made no provision for its protection, even against such improper conduct in its presence, as might disturb its proceedings, unless expressed in the Section before recited; but as no Statute has been passed on this subject, this protection is & has been for nine years past uniformly found in the application of the principles & usages of the Common Law. The same protection may unquestionably be afforded by a Statute passed in virtue of the beforementioned Section, as necessary & proper for carrying into execution the powers vested in that department. A construction of the different parts of the Constitution, perfectly just & fair will, on analagous principles, extend protection & security against the offences in question, to the other departments of Government, in discharge of their respective Trusts.

The President of the United States is bound by his Oath “to preserve protect & defend the Constitution,” & it is expressly made his duty “to take care that the Laws be faithfully executed;” — but this would be impracticable by any created being, if there could be no legal restraint of those scandalous misrepresentations of his measures & motives, which directly tend to rob him of the public confidence. And equally impotent would be every other public Officer, if thus left to the mercy of the Seditious.

It is holden to be a truth most clear, that the important

Trusts before enumerated cannot be discharged by the Government to which they are committed, without the power to restrain or punish seditious practices & unlawful combinations against itself, & to protect the Officers thereof from abusive misrepresentations. — Had the Constitution withheld this power, it would have made the Government responsible for the effects, without any controul over the causes which naturally produce them, & would have essentially failed of answering the great ends, for which the people of the United States declare in the first clause of that instrument, that they established the same — viz. “to form a more perfect Union, establish Justice, insure domestick tranquility, provide for the common defence, promote the general welfare & secure the blessings of liberty to ourselves & posterity.”

Seditious practices & unlawful combinations against the federal Government or any Officer thereof in the performance of his duty, as well as licentiousness of speech & of the press were punishable on the principles of common Law in the Courts of the United States, before the act in question was passed. This Act then is an amelioration of that law in favor of the party accused, as it mitigates the punishment which that authorizes, and admits of any investigation of public men & measures which is regulated by Truth; — It is not intended to protect men in office, only as they are agents of the people; — Its object is to afford legal security to public offices & trusts created for the safety & happiness of the people, & therefore the security derived from it, is for the benefit of the people & is their right.

This construction of the Constitution & of the existing law of the land, as well as the act complained of, The Legislature of Massachusetts most deliberately & firmly believe results from a just & full view of the several parts of that Constitution; and they consider that act to be wise & necessary, as an audacious & unprincipled spirit of falsehood & abuse had been too long unremittingly exerted for the purpose of perverting public opinion & threatened to undermine & destroy the whole fabric of the Government.

The Legislature further declare that in the foregoing sentiments they have expressed the general opinion of their Constituents who have not only acquiesced without Complaint in those particular measures of the Federal

Government but have given their explicit approbation by re-electing those men who voted for the adoption of them — nor is it apprehended that the Citizens of this State will be accused of supineness or of an Indifference to their Constitutional Rights, for while on the one hand they regard with due vigilance the conduct of the Government on the other their freedom safety and happiness require that they should defend that Government and it's constitutional measures against the open or insidious attacks of any foe whether Foreign or Domestic.

And lastly that the Legislature of Massachusetts feel a strong conviction that the several United States are connected by a common interest which ought to render their Union indissoluble and that this state will always co-operate with its confederate States in rendering that union productive of mutual security freedom and happiness.

February 13, 1799.

Chapter 120.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF NORFOLK AND GRANTING A TAX.

Whereas the Treasurer of the County of Norfolk has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the Court of General Sessions of the peace for said County has laid before the General Court an estimate made by said Court of General Sessions of the peace, of the necessary charges likely to arise in said County the present year, amounting to three thousand dollars:

Resolved, that the sum of three thousand dollars be and hereby is granted, as a tax for said County of Norfolk, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to Law.

February 14, 1799.

Chapter 120A.*

ORDER ON THE PETITION OF ANDREW PEABODY.

On the Petition of Andrew Peabody, of Bradford, in the County of Essex, praying to be set off from the first

* Not printed in previous editions.

Parish in said Town, and annexed to the second Parish therein.

Ordered, that the Petitioner notify the Inhabitants of said first Parish, by serving the Clerk thereof with an attested copy of his petition, and this order thereon, thirty days at least before the first Tuesday of the first Session of the next General Court, that they may then appear and shew cause, if any they have why the prayer of said Petition should not be granted.

February 14, 1799.

Chapter 121.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF LINCOLN AND GRANTING A TAX.

Whereas the Treasurer of the County of Lincoln has laid his Accounts before the General Court in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the Court of General Sessions of the peace for said County has laid before the General Court an estimate, made by said Sessions of the necessary charges likely to arise in said County the present year amounting to three thousand six hundred & thirty two dollars and sixteen cents; and also one other sum of three hundred & eighteen dollars for completing the Goal and Goal house in said County:

Resolved, that the sum of three thousand nine hundred & fifty dollars and sixteen cents be & the same is hereby granted as a tax for said County of Lincoln to be apportioned, assessed, collected and applied to the purposes aforesaid agreeable to law.

February 14, 1799.

Chapter 121A.*

ORDER ON THE PETITION OF JOSEPH HIBBERT JUNR. AND OTHERS.

On the petition of Joseph Hibbert junr. and others, Inhabitants of the Town of Penobscot in the County of Hancock, praying to be incorporated into a Separate Religious Society.

Ordered, That the Petitioners notify the Town of Penobscot, by serving the Clerk thereof with an attested Copy of their petition, and this Order thereon, thirty days at

* Not printed in previous editions. Taken from court record.

least before the second Thursday of the first Session of the next General Court, that they may then appear and shew cause, if any they have why the prayer of said petition should not be granted.

February 14, 1799.

Chapter 122.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF HAMPSHIRE AND GRANTING A TAX.

Whereas the Treasurer of the County of Hampshire has laid his Accounts before the General Court, in manner prescribed by law which are hereby allowed; & whereas the Clerk of General Sessions of the peace of sd. County has laid before the General Court an estimate made by said Sessions of the necessary charges likely to arise in said County the present year amounting to one thousand three hundred dollars:

Resolved, that the sum of one thousand three hundred dollars be and the same is hereby granted as a tax for said County to be apportioned assessed collected & applied to the purposes aforesaid according to law.

February 14, 1799.

Chapter 123.

RESOLVE FOR ALLOWING TO THE GUARDIANS OF THE DUDLEY INDIANS FIVE HUNDRED AND TWENTY-TWO DOLLARS AND FIVE CENTS.

Whereas it appears by examining the accounts presented by the Guardians of the Dudley Indians from January 13th 1797 to the first of May 1798, the said Guardians charge themselves with the sum of \$546.22 — and pray an allowance for reimbursements for the sum of \$522.22 [\$522.05] — which leaves a balance in the hands of said Guardians of twenty four dollars and eighteen cents:

Resolved, that the aforesaid sum of five hundred and twenty two dollars and five cents be allowed to said Guardians; and that the said sum of twenty four dollars and eighteen cents be charged as a balance in the hands of said Guardians due to said Indians accordingly.

February 15, 1799.

Chapter 123A.*

ORDER ON THE PETITION OF INHABITANTS OF TOWNSHIP NO. 3.

On the petition of the Inhabitants of Township Number three, in the first range of Townships on the west side of Kennebeck River, praying that they may be incorporated into a Town.

Ordered, that the Petitioners cause an attested Copy of their petition with this order thereon, to be published three weeks successively in the Kennebeck Intelligencer, the last publication to be thirty days at least before the second Wednesday of the first Session of the next General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted.

February 15, 1799.

Chapter 124.

RESOLVE ON THE PETITION OF CHARLES VAUGHAN, ESQ.

On the petition of Charles Vaughan for himself & others, purchasers of five townships of Land, viz. Numbers *two*, *four* & *five* in the 5th range, & Numbers *two* and *three* in the 6th range, praying an extension of the time for the payment of the sums due, & of the period for completing the settlements to be made on said Townships: & also praying for a release of Four thousand acres in each Township for the purpose of putting settlers thereon agreeably to the conditions of said purchase.

Resolved that the prayer of the petition be so far granted, that the time for making the several payments of the sums still due for said townships, on notes as well as those now in Execution, be & the same is hereby extended for the term of two years from the passing of this Resolve on Interest and that the Treasurer be & hereby is directed to govern himself accordingly. *And be it further*

Resolved that if the conditions of settlement and putting families on the said townships be completed within eight years from the eighth day of February 1794 — the same shall be deemed & taken by this Commonwealth to be a full performance of said condition, as to making such settlements to all intents and purposes, the same as if fifteen families — had been put on within four years, and

* Not printed in previous editions. Taken from court record.

twenty five within six and forty within eight years. *And be it further*

Resolved that Four thousand acres of land in each of said Townships, be and the same is hereby appropriated to the use of such families as shall be settled and put upon the same Lands by the said Vaughan or his assigns or associates. *Provided however*, that each family shall reside upon the same for the term of Five years at least, And *Provided also* that not more than *three hundred acres* shall be appropriated to any one family. — & that nothing herein contained shall hereafter be construed to lessen the amount of the demand against said Vaughan or his assigns for said townships in virtue of the appropriations aforesaid.

February 16, 1799.

Chapter 125.

RESOLVE ON THE PETITION OF JONATHAN BOWMAN, AUTHORIZING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF LINCOLN TO MAKE SUCH ALLOWANCE FOR HIS SERVICES AS THEY MAY JUDGE REASONABLE; WITH A PROVISIO.

On the Petition of Jonathan Bowman, Judge of Probate for the county of Lincoln; stating that the fees allowed to said Judge by law, are not an adequate compensation for his services; And it appearing that the same are insufficient, — Therefore —

Resolved that the Court of General Sessions of the peace for said County be, and hereby are, authorized and empowered, to make the Judge of Probate for said county, for the time being, Such allowance for his Services, in addition to the fees that are, or may be, established by law, as they may Judge reasonable & just; to be paid out of the Treasury of the County — *Provided however* that such allowance together with such fees shall not exceed the Sum of four hundred dollars per annum.

February 16, 1799.

Chapter 126.

RESOLVE ON THE PETITION OF ALEXANDER CAMPBELL, ESQ. THAT UPON CERTAIN CONDITIONS, HE BE DISCHARGED FROM PAYMENT OF THE MONEY DUE TO THIS GOVERNMENT.

Whereas there was due from Alexander Campbell & others, upon the first Day of January 1799 the Sum of

six thousand nine hundred Dollars for the purchase Money of the Township Number three in the Seventh Range above Waldo's Patent — two thousand four hundred & thirteen Dollars & sixty seven Cents of which sum is now in Execution against sd. Alexander Campbell, & whereas the Contract issued for the same Township has been transferred to Jonathan Hastings who is taking Measures to obtain a Discharge for the sd. Campbell: Therefore

Resolved, that upon the sd. Jonathan Hastings filing in the Treasurers Office three Notes of Hand signed by such persons as the Governour with Advice of Council shall approve, one for the Sum of two thousand three hundred & ten Dollars and eighty three Cents payable within one year — one, for the Sum of two thousand one hundred & ninety three Dollars & thirty four Cents payable within eighteen Months & one other for the Sum of two thousand & Seventy five Dollars & eighty three Cents payable within two years, with the Interest annually — And at the time of giving sd. Notes paying the Cost on the sd. Execution, & the Interest on the whole Sum that shall be due, that the Treasurer be directed to discharge the sd. Alexander Campbell & others from their Debt due the Government for the said Township, whether the same be now due by Judgment, Execution or Notes of Hand.

February 16, 1799.

Chapter 126A.*

ORDER ON THE PETITION OF LEVI YOUNG AND OTHERS.

On the petition of Levi Young and others, Inhabitants of Township No. two, in the first Range of Townships west of Kennebeck River, and north of the Plymouth Claim, called New Vineyard — praying that they may be incorporated into a Town.

Ordered, that the Petitioners cause an attested Copy of their petition, with this order thereon, to be published three weeks successively in the Kennebeck Intelligencer; the last publication to be thirty days at least before the first Tuesday of the first Session of the next General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said petition should not be granted — and also why any adjacents to said Township may not together therewith be included in the same incorporation.

February 18, 1799.

* Not printed in previous editions. Taken from court record.

Chapter 127.

RESOLVE ON THE PETITION OF JAMES AVERY, AUTHORIZING THE TREASURER TO ADJUST AND MAKE A SETTLEMENT WITH SAID AVERY IN SUCH WAY AS HE SHALL JUDGE BEST.

On the Petition of James Avery, late Collector of Impost and Excise for the Eastern District in the County of Lincoln—Setting forth his misfortunes in Sundry instances, and as one in particular, that he never has been able to collect of his Deputies the Sums they returned to him, and for which he became accountable to the Commonwealth; and praying that a Committee might be appointed for the purpose of adjusting his accounts with the Commonwealth.

Resolved that the Treasurer of this Commonwealth be & he is hereby authorized and appointed to adjust and make a Compleat & final Settlement with the sd. James Avery, in Such way & in Such manner as he Shall under all circumstances judge best and most for the interest of the Commonwealth.

February 19, 1799.

Chapter 128.

RESOLVE ON THE PETITION OF PETER JOHNSON, AUTHORIZING THOMAS JOHNSON TO EXECUTE A DEED OF THE LAND MENTIONED.

On the Petition of Thomas Johnson administrator on the Estate of Peter Johnson late of Worcester in the County of Worcester deceased—setting forth That the said Peter Johnson was administrator of the Estate of one Solomon Johnson, late of the same Worcester deceased—And that the said Peter Johnson was authorized by the Court of Common Pleas in the County of Worcester to make sale of the whole of the real estate of the said Solomon (there being no widow) for the Benefit of the Creditors—and that the said Peter after giving Bonds—and having proceeded according to Law made sale of the Estate of the said Solomon, consisting of seventy Acres of Land—with the Buildings on the same and that the said Thomas Johnson was the highest bidder for the same—That the said Peter accounted with the Judge of Probate in the County of Worcester, for the proceeds of the sale, and was orderd to pay the money to the Creditors of said Solomon in Proportion to their Claims

as allowed by the Commissioners of Insolvency, on the said Solomons Estate — And that before the making & Executing a Deed of said Estate to the said Thomas The said Peter died — And that one Timothy Johnson is willing to take the said Estate, at the price which the said Thomas was to give for the same which will be for the Benefit of the Creditors and expedite the settlement of the Estate of the said Solomon.

Resolved, That The said Thomas Johnson be, and he hereby is authorized to make and execute a Deed of the land aforesaid to the said Timothy Johnson, *provided* he gives Bonds to the Judge of Probate in the County of Worcester, conditioned that the proceeds of the sale aforesaid, shall be appropriated & paid in the same way & manner, as if a Deed had been made by the said Peter in his life Time of the Estate aforesaid For the Benefit of the Creditors of the said Solomon Johnson.

February 19, 1799.

Chapter 129.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF THOMASTON, REMITTING A FINE LAID ON SAID TOWN FOR NOT ELECTING A REPRESENTATIVE TO CONGRESS AND DIRECTING THE ATTORNEY-GENERAL IN THIS CASE.

On the Petition of the Selectmen of the Town of Thomaston — praying that a fine incurred by them for not attending a meeting of the Inhabitants of said Town on the first Monday of November last to choose a Representative to Congress — may be remitted.

Resolved for reasons set forth in said Petition, that the fine aforesaid be and it is hereby remitted to the said Selectmen. And that the Attorney General is hereby directed to govern himself accordingly.

February 19, 1799.

Chapter 130.

RESOLVE ON THE PETITION OF BEULAH SPEEN, AUTHORIZING THE GUARDIANS OF THE NATICK INDIANS TO SELL THE LANDS REFERRED TO, AND EXECUTE A DEED THEREOF.

On the Petition of Beulah Speen a Natick Indian praying for leave to sell & convey about four Acres of Land for the purposes mentioned in said petition.

Resolved that the Prayer of said petition be granted

and that the Guardian of the Natick Indians be and he is hereby authorised to sell and Convey at vendue or Private Sale (as he shall think best) the land refer'd to in said petition and make and Execute a good Deed or deeds to the Purchaser or Purchasers thereof, said Guardian to be accountable for the Expenditure of the monies arising from the sale in the same way & Manner as he is Chargeable for other monies as Guardian for the said Natick Indians.

February 18, 1799.

Chapter 131.

RESOLVE EXTENDING THE TIME FOR RECEIVING ON LOAN THE DEBT OF THIS COMMONWEALTH.

Resolved, That the Treasurer of the Commonwealth be and hereby is directed to admit until the further order of the General Court, su[p][b]scriptions, to the loan, proposed by the Act intituled “An Act to provide for the debt of this Commonwealth” and to receive on Account of said Loan, the several descriptions of debt enumerated in said Act, and on the conditions therein mentioned — also to receive Certificates given at the Treasury in lieu of Army notes — on the same terms as said Certificates have been heretofore received on said Loan. *February 19, 1799.*

Chapter 132.

RESOLVE ON THE PETITION OF PETER NORTON, DISCHARGING HIM FROM JUDGMENT MENTIONED.

On the Petition of Peter Norton, praying that he may be discharged from a Judgement rendered against him, in favour of the Commonwealth at the Supreme Judicial Court holden at Pownalborough, within the County of Lincoln, in the month of July A D 1797, for the sum of three hundred & thirty three dollars, thirty three cents & three mills, and costs of Suit.

Resolved that the prayer of said Petition be granted and that the said Peter be and he hereby is discharged from said Judgement; and the Sheriff of the County of Lincoln is hereby authorized and required to discharge the said Peter from prison, In case he be therein detained by force of the Execution which issued on said Judgement only. *Provided* the said Peter shall pay all prison fees & all charges for serving & Returning the same Execution.

February 19, 1799.

Chapter 133.

RESOLVE ON THE MEMORIAL OF JOSHUA WITHERLE, AUTHORIZING THE QUARTER MASTER GENERAL TO RECEIVE CHARGE OF THE BUILDINGS AND IMPLEMENTS MENTIONED, SELL THE SAME AT PUBLIC VENDUE AND PAY THE PROCEEDS INTO THE TREASURY.

On the memorial of Joshua Witherle respecting certain buildings & implements belonging to this Commonth. which were used in the coining of Copper Cents in the years 1787 & 1788.

Resolved, That Amasa Davis Esqr. Q. M. General be & he hereby is appointed and [&] directed to receive charge of the said buildings & implements, — to sell the same at public auction, except such as may be applied to the public service of this Commonwealth — to pay the proceeds of such sale into the Treasury ; & to render an account of his doings herein, to the Commander in Chief.

February 19, 1799.

Chapter 134.

RESOLVE ON THE PETITION OF ABEL BOYNTON, DIRECTING THE SECRETARY TO CERTIFY A BALANCE DUE TO CHRISTIAN MEIRES, A SOLDIER.

On the petition of Abel Boynton — Administrator to the estate of Christian Meires, late a Soldier in the Continental Army, — praying for wages due to Said Soldier for his Services.

Resolved that John Avery esquire Secretary of this Commonwealth Certify to the Governor and Council the pay or arrears of pay due to the late Christian Meires deceased, a Soldier in Col. Henry Jacksons regiment in the late Continental Army and the Treasurer On receiving a warrant therefor, is directed to issue his note to the said Abel Boynton administrator to the said Christian Meires in the Same way and manner as has been practised in paying other Soldiers for simalear services.

February 19, 1799.

Chapter 135.*

RESOLVE APPOINTING A COMMITTEE TO FORM OR PROCURE A PLAN FOR SUITABLE BUILDINGS FOR THE CONVICTS, AND TO PREPARE AN ESTIMATE OF THE EXPENSES, AND REPORT AT THE NEXT MEETING OF THE GENERAL COURT.

Resolved, that a Committee be appointed to examine the several places in the vicinity of the town of Boston, which they may judge most eligible for erecting suitable buildings, for the confinement and punishment of such persons as are or may be convicted of crimes within this Commonwealth, and sentenced to hard labor, and report the same to the Legislature at their next session, with the terms on which such places may be purchased. *And it is further*

Resolved, that the said Committee be and they are hereby directed to form or procure a plan of said buildings, including the internal and external Construction thereof, which are so to be constructed with interior cells and apartments that the Legislature may adopt if they shall see fit, the mode of confinement in solitary apartments without any alteration in said buildings — and that said Committee prepare an estimate of the expence which shall arise in erecting such buildings, and purchasing a suitable plan for that purpose, and lay the same together with the said plan before the General Court at their next Session.

February 19, 1799.

Chapter 135A.†

ORDER ON THE PETITION OF JOSEPH MILLER AND OTHERS.

On the petition of Joseph Miller, Moses Wood and Timothy Burr, inhabitants or proprietors of that part of Springfield called the Elbow, lying in a detached situation, [*praying that they*] may be set off from Springfield and annexed to the Town of Wilbraham.

Ordered, that the Petitioners notify the respective Towns of Springfield and Wilbraham, by leaving an attested Copy of their petition, with this order thereon, with the respective Clerks of said Towns, thirty days at least before the second Wednesday of the next Session of the General Court, that all persons interested may

* Taken from court record.

† Not printed in previous editions. Taken from court record.

then appear and shew cause if any they have, why the prayer of said petition should not be granted.

February 20, 1799.

Chapter 136.

RESOLVE ON THE PETITION OF ABNER NORTON, DISCHARGING HIM OF THE JUDGMENT MENTIONED.

On the Petition of Abner Norton praying that he may be discharged from a Judgement, upon his recognizance, rendered against him, in favour of the Commonwealth, at the Supreme Judicial Court holden at Pownalborough within the County of Lincoln, & for the Counties of Lincoln, Hancock, & Washington on the Second Tuesday next following the fourth Tuesday of June A D 1797, for the sum of three hundred & thirty three dollars, thirty three cents, & three mills & costs of suit.

Resolved that the prayer of said Petition be granted & that the said Abner be, and he hereby is discharged from the said Judgement, & from a writ of Execution dated July 11th 1798 which issued thereon; *provided* the said Abner shall pay to the officer, to whom said Execution was committed, all legal charges which may have arisen, in the levy thereof.

February 20, 1799.

Chapter 136A.*

ORDER ON THE PETITION OF WILLIAM BRACKETT AND OTHERS.

On the petition of William Brackett and others, Inhabitants of the Towns of Portland and Falmouth in the County of Cumberland, praying to be incorporated into a separate Religious Society by the name of the Universal Christian Society.

Ordered that the Petitioners notify the said Towns of Portland and Falmouth, by publishing an attested Copy of their petition and this order thereon, three weeks successively in Jenks's Gazette, printed in Portland, the last publication to be thirty days at least before the second Wednesday of the first session of the General Court, that all persons interested may then appear and shew cause, if any they have, why the prayer of said Petition should not be granted.

February 20, 1799.

* Not printed in previous editions. Taken from court record.

Chapter 137.

RESOLVE AND GRANT ON THE PETITION OF CAPT. SILAS BURBANK.

On the memorial of Capt. Silas Burbank, of Scarborough, in the County of Cumberland, praying for an allowance for his travel and attendance upon the General Court as a Witness in the case of Tristram Jordan, Esq.

Resolved, that there be allowed and paid out of the Public Treasury to the said Silas Burbank, the sum of Forty-five dollars in full for his travel and attendance as aforesaid.

February 20, 1799.

Chapter 138.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF WASHINGTON AND GRANTING A TAX.

Whereas it is represented to the General Court by the Court of General Sessions of the peace for the County of Washington, that the Accounts of the Treasurer of said County are examined and settled by a Committee of said Court of Sessions, & that the sum of seventy six dollars & eighty cents is due upon said settlement to said Treasurer; and whereas the Clerk of said Court of Sessions by order of said Court has laid before the General Court an estimate made by said Court of Sessions of the necessary charges likely to arise in said County the present year amounting to seven hundred & twenty three dollars and eighty cents:

Resolved that the sum of seven hundred & twenty three dollars & eighty cents be and the same is hereby granted as a tax for said County of Washington to be apportioned, assessed, collected & applied to the purposes aforesaid according to law.

February 21, 1799.

Chapter 139.

RESOLVE ON THE PETITION OF SAMUEL FOWLER AND JUSTIN ELY, ESQ.

On the petition of Samuel Fowler & Justin Ely, praying for an allowance of interest on a sum of money paid by them into the Treasury of this Commonwealth, on a contract made with them by the committee for the sale of

Eastern Lands in the District of Maine, for the purchase of a Township of Land on the Schoodic River; and also for an extension of the times for the payment of their Notes, given to the Commonwealth, & for the performance of the conditions of the said contract, on account of the said purchase.

Resolved, that the Treasurer of this Commonwealth be & he is hereby authorized & directed to allow to the said Fowler & Ely Interest on the money they have paid as aforesaid, and that the said Fowler & Ely be, & they hereby are, placed in the same situation, in every respect, as to the sums of money that are or shall become due from them on their notes aforesaid, & the Periods of the payment of the same & for the performance of the conditions of the said contract, as they would have been in, in case the said contract had born date on the first day of December last past.

February 22, 1799.

Chapter 139A.*

ORDER DIRECTING THE TREASURER TO RECOVER SUMS DUE ON BONDS OF THOMAS RUSTON.

Ordered, That the Treasurer of this Commonwealth be and he hereby is directed to take the necessary steps for the recovery of the sums due on the two Bonds of Thomas Ruston, now remaining in the Treasurer's Office; and that when the said sums, or any part thereof, shall be recovered and received, the same be endorsed on the Notes of Samuel Freeman Esqr. to the Commonwealth; the said Ruston's Bonds having been originally deposited in the Treasurer's Office by the said Freeman as collateral Security for the payment of his said Notes.

February 25, 1799.

Chapter 140.

RESOLVE FOR PAYING EXPENSE OF DRAWING FIELD PIECES AND TUMBRELS IN BOSTON, AND DIRECTING SUCH ACCOUNTS TO BE LAID BEFORE THE COMMITTEE ON ACCOUNTS.

Whereas no provision is made by Law for defraying the expence which may arise in providing horses to drag Field pieces and Tumbrels of the several Companies of the Sub Legion of Artillery in the Town of Boston :

* Not printed in previous editions. Taken from court record.

Resolved, that the Captain or Commanding Officer of each of said Companies shall lay his accounts, for money actually expended since the sixth day of March A D 1797 and which may hereafter be expended in providing horses to drag the field Pieces and tumbrels of their respective Companies, before the Committee on accounts for allowance: — *Provided* that no allowance shall be made unless said Company is ordered to appear by their Superior Officer.

February 26, 1799.

Chapter 141.

RESOLVE ON THE PETITION OF JOSEPH RUGGLES AND OTHERS, AUTHORIZING THEM TO RAISE A COMPANY OF CAVALRY BY THE CONSENT OF THE GOVERNOR AND COUNCIL.

On the petition of Joseph Ruggles & others, praying for leave to raise a Company of Cavalry from the Towns of Roxbury, Brookline & Dorchester in the County of Norfolk.

Resolved, That the Governor with the consent of Council be authorised & empowered to raise a Company of Cavalry, within the Towns of Roxbury, Brookline & Dorchester aforesaid, to be annexed to the first Regiment first Brigade & first Division of Militia in this Commonwealth — subject to such rules & regulations as are or may be provided by Law.

*February 25, 1799.**

Chapter 142.

RESOLVE ON THE PETITION OF DANIEL LUNT AND OTHERS, AUTHORIZING THE GOVERNOR AND COUNCIL TO RAISE A COMPANY OF CAVALRY.

On the petition of Daniel Lunt & others, praying that a Company of Cavalry may be raised in the first Regiment, Second Brigade, Sixth Division of Militia in this Commonwealth.

Resolved — That his Excelency the Governor, with consent of Council, be authorised & empowered to raise a Company of Cavalry in said Regiment accordingly — to be annexed to the Squadron of Cavalry in said Brigade, & subject to such rules & Regulations as are or may be provided by Law.

February 26, 1799.

* Date of approval not given.

Chapter 143.

RESOLVE ON THE PETITION OF JOHN BUTLER.

On the Petition of John Butler, praying that the Treasurer of this Commonwealth may be directed to Issue to him a Note in lieu of One destroyed.

Resolved, that the prayer of said Petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is Authorised and directed to make out and deliver to the said John Butler a Note bearing interest at 5 pr. Centum, & bearing date July the first A.D. One thousand seven Hundred and Ninety four, for the sum of said Note which is distroyed, including the Interest due on said Note to that date — The Note bearing date February 1, 1783; for the sum of Ten pounds, three shillings & ten pence. *Provided* the said John Butler, shall give to the Treasurer a bond Conditioned, that he will indemnify the Commonwealth from a Note No. 10,428 given to the said John Butler dated Feburary 1st 1783 for the sum of Ten pounds, three Shillings & ten pence which Note appears to be destroy'd — the Treasurer to Ascertain the Interest due thereon.

February 26, 1799.

Chapter 144.

RESOLVE ON THE PETITION OF DAVID WELLS, ANNULING THE DISQUALIFICATIONS IMPOSED UPON HIM BY A COURT MARTIAL.

On the petition of David Wells.

Resolved, That the disqualifications imposed on the said David by a Court martial held at Haverhill in February last, be and the same are hereby taken off & annulled.

February 26, 1799.

Chapter 145.

RESOLVE ON THE PETITION OF ELIZABETH BROWN, DIRECTING THE TREASURER TO DISCHARGE A BOND.

On the petition of Elizabeth Brown Executrix to the last Will of Henry Young Brown.

Resolved, That the Treasurer of the Commonwealth be and hereby is directed to give up and discharge a Bond in the Treasury Office dated Feby. 16, 1765, signed by Henry Young Brown & others conditioned for the pay-

ment of Two hundred pounds, on or before the seventh day of June, 1765 — *Provided* the said Elizabeth shall before the first day of June 1800, pay into the Treasury five hundred dollars.

February 26, 1799.

Chapter 146.

RESOLVE EMPOWERING THE GOVERNOR TO DISBAND THE REGIMENT OF INFANTRY IN MARBLEHEAD, AND TO FORM SAID REGIMENT INTO TWO COMPANIES OF ARTILLERY TO BE UNDER THE COMMAND OF A MAJOR.

On the petition of the Hon. Stephen Abbot Esqr. Major General of the second Division of the Militia of this Commonwealth, praying that the Regiment of Infantry in Marblehead in said Division may be disbanded, & that the men composing the said Regiment may be formed into a Battalion of Artillery.

Resolved, That his Excellency the Commander in Chief be & he hereby is authorized & empowered, if he thinks it expedient, to disband the Regiment of Infantry in Marblehead, & to form the men now composing the said Regiment into two Companies of Artillery, which shall be a battalion, under the command of a Major, attached to the first Brigade in the second division of the Militia of this Commonwealth.

February 26, 1799.

Chapter 147.

RESOLVE AUTHORIZING OSGOOD CARLETON TO COMPLETE THE COMPILATION OF THE MAPS AND APPOINTING A COMMITTEE TO SUPERINTEND THE SAME.

Resolved that Osgood Carl[e]ton be & he hereby is authorized to compleat the compilation of the Maps of this Commonwealth and when the same shall be compleated to the acceptance of the agents hereafter mentioned the said Carl[e]ton shall be allowed & paid therefor such reasonable sum of money as his services may merit.

And be it further resolved that the Revd. Jedediah Morse, John Davis Esq. & Mr. Samuel Webber, Professor of Philosophy & Mathematicks, or any two of them be and they hereby are appointed Agents in behalf of this Commonwealth to superintend the compiling of the said Maps, and, when the same shall be compiled on the several scales prescribed by a resolve heretofore passed, to contract with some skilful engraver, to engrave and print

four hundred copies of each of the said Maps, for the use of this Commonwealth, on such terms as they may deem best, reserving the disposal of the plates and copyright to the future determination of the General Court.

February 26, 1799.

Chapter 148.

RESOLVE DISCHARGING AMASA DAVIS, ESQ. Q. M. G. OF CERTAIN SUMS AND ALLOWANCES.

On the representation of Amasa Davis Esqr. Quarter Master General.

Resolved that the said Amasa Davis be and he hereby is discharged from the sum of Twenty nine thousand two hundred dollars received by him on four Warrants drawn in his favour on the Treasurer of this Commonwealth in the year 1798, also of fourteen hundred and forty dollars twenty eight cents, received of Lewis Hayt making in the whole — Thirty Thousand six hundred and forty dollars and twenty eight cents and that there be allowd and paid out of the Treasury of this Commonwealth to the said Amasa Davis the sum of Eleven Thousand Eight hundred and Eighty five dollars he to be accountable therefor — and also the further sum of One hundred and sixty six dollars and seventy six cents for the ballance of his account, six hundred dollars for his services and three hundred dollars for Office rent and Clerks wages amounting in all to One Thousand and sixty six dollars seventy six cents which will be in full of his said Account and for his services from January 17th 1798, to January, 17th 1799 — Inclusively.

February 26, 1799.

Chapter 149.

RESOLVE ON THE REPRESENTATION OF THOMAS DAVIS, ESQ: GRANTING FIVE HUNDRED DOLLARS TO ENABLE HIM TO DEFRAY THE EXPENSE OF CARRYING INTO EXECUTION A RESOLUTION OF THE GENERAL COURT, PASSED FEBRUARY 28TH LAST.

On the representation of Thomas Davis Esqr.

Resolved, That there be paid out of the publick Treasury, to Thomas Davis Esqr. five hundred dollars, to enable him to defray the expense of carrying into execution a resolution, of the Legislature of the 23d of Feby. 1798 for resurveying the Waldo Patent, he to be accountable for the same.

February 26, 1799.

Chapter 150.

RESOLVE AUTHORIZING THE OFFICERS IN KENNEBECK COUNTY
TO RECEIVE FEES.

Resolved That all persons who may be appointed and qualified to any office within the County of Kennebeck before the first day of July next, and are required by law to pay the County Treasurer thereof any sum of Money previous to their receiving any fees or profits of their offices respectively, may receive any such fees and profits until such Treasurer shall be chosen and for the space of one month after.

February 28, 1799.

Chapter 151.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR
THE COUNTY OF SUFFOLK AND GRANTING A TAX.

Whereas the Treasurer of the County of Suffolk has laid his accounts before the General Court in manner prescribed by law which are hereby allowed : & whereas the Clerk of the General Sessions of the peace for said County has laid before the General Court an estimate made by said Sessions of the necessary charges likely to arise in said County the present year amounting to six thousand dollars ; and of one other sum of four thousand dollars requisite and expedient for past payment of debts due from said County :

Resolved that the sum of ten thousand dollars be and the same is hereby granted as a tax for the said County of Suffolk to be apportioned, assessed, collected & applied for the purposes aforesaid according to law.

February 28, 1799.

Chapter 152.

RESOLVE REQUESTING THE SENATORS AND REPRESENTATIVES
OF THIS STATE TO CAUSE TO BE PROPOSED AN AMENDMENT
TO THE CONSTITUTION OF THE UNITED STATES RESPECTING
THE CHOICE OF PRESIDENT AND VICE-PRESIDENT.

Resolved, That the Senators & Representatives of this State in the Congress of the United States, be, & they hereby are requested to use their best endeavors, that Congress propose to the Legislatures of the several States, the following amendment to the Constitution of the United States, viz.

That the Electors of President & Vice President, in giving in their votes, shall respectively distinguish the person whom they desire to be President, from the one they desire to be Vice-President, by annexing the words, *President*, or *Vice President*, as the case may require to the proper name of the person voted for, with such modifications as may appear necessary for completing the election of Vice President, and in all other respects, as far as may be, in conformity to the principles of the second article of the said Constitution.

Resolved, further, that his Excellency the Governor be, & he is hereby requested to communicate the foregoing resolve to the Supreme Executive of the State of New Hampshire, & also to transmit the same to the Senators & Representatives of this Commonwealth in Congress.

February 28, 1799.

Chapter 153.

RESOLVE ON THE PETITION OF SAMUEL SEWALL OF MARBLEHEAD, ESQ. AUTHORIZING THE JUDGE OF PROBATE FOR THE COUNTY OF ESSEX IN THIS CASE.

On the petition of Samuel Sewall of Marblehead in the County of Essex Esquire, setting forth that he was appointed to, and undertook the Administration of, the several Estates of John Ingalls, Robert Hooper junior and Swett Hooper, all late of said Marblehead deceased intestate, and that he afterwards represented said Estates to be insolvent to the Judge of Probate for the said County who granted three several Commissions of Insolvency and thereby appointed Edward Bowen Esqr. and Mr. Joshua Prentiss Commissioners to receive and examine the Claims of all the Creditors who should appear against said Estates respectively. That the said Bowen hath since deceased and that no return of such several Commissions or of the Claims of the Creditors entitled under the same respectively has ever been made to the said Judge of Probate.

Resolved, That the Judge of Probate for the County of Essex be, and hereby is, authorized to extend the term not exceeding three months for the examining of all Claims which have been or shall be rendered against said Estates respectively, and to appoint one or more fit person or persons to be Commissioner or Commissioners to-

gether with said Joshua Prentiss upon each of said Estates, who shall have power to proceed to examine and determine upon all such Claims as have been or shall be rendered against said Estates respectively, and shall make report thereof to the Judge of Probate aforesaid; — The said Commissioners to give notice of the times & places of their meeting to examine said Claims in the manner prescribed in an “Act for the Distribution of Insolvent Estates.”

February 28, 1799.

Chapter 154.

RESOLVE ON THE PETITION OF EDWARD KILLERAN, REMITTING A FINE AND DIRECTING THE ATTORNEY-GENERAL TO GOVERN HIMSELF ACCORDINGLY.

On the Petition of Edward Killeran in behalf of the Selectmen of the Town of Cushing in the County of Lincoln, praying that the fine for not calling a meeting of the Inhabitants of sd. Town on the first monday in November last for the choice of a Representative in Congress may be remitted them.

Resolved, for reasons set forth in said Petition that the fine incurred by the Selectmen of the said town of Cushing be, and it is hereby remitted them: and the attorney general is hereby directed to govern himself accordingly.

February 28, 1799.

Chapter 155.

RESOLVE ON THE PETITION OF THE SELECTMEN OF FRAMINGHAM, DIRECTING THE ATTORNEY-GENERAL NOT TO PROSECUTE FOR THE NEGLECT OF NOT MAKING A RETURN OF FEDERAL REPRESENTATIVE.

On the Petition of John Fisk and others Selectmen of Framingham praying that they may be exonerated from a fine for not seasonably making return of Votes for federal Representative.

Resolved that the Selectmen of Framingham and each of them be and hereby are exonerated from a fine or forfeiture for not making due and seasonable return of Votes for federal Representative, given in by the inhabitants of said Town, on the first Monday of November last, and the Attorney General is hereby directed to govern himself accordingly.

February 28, 1799.

Chapter 156.

RESOLVE APPOINTING A COMMITTEE TO CONTRACT WITH ISALAH THOMAS FOR A NEW EDITION OF THE LAWS OF THIS COMMONWEALTH.

Resolved, that the Honorable Nathan Dane, George Richards Minot and John Davis, Esquires, be and hereby are appointed a committee, and authorized in behalf of this Commonwealth to contract for a new edition of the Statute Laws of this Commonwealth, passed or to be passed previous to the end of the present Session of the General Court, revised or unrevised — said edition to contain the Constitution of the United States and of this State, the Statute laws and parts of Statute laws of a public nature of this Commonwealth, and such British Statutes, and parts of British Statutes adopted and now practised upon in this State, as the said committee shall judge necessary. And shall also contain the titles and dates of such private or special Statute laws of this Commonwealth as the said committee may direct. And to each volume there shall be formed and annexed a complete index, together with such marginal references as said committee may approve.

And it is further Resolved, that the committee aforesaid are hereby authorised to agree with the person or persons that may undertake the work aforesaid for five hundred sets of said edition for the use of this Commonwealth for such price as shall appear reason[*able*] to said committee.

February 28, 1799.

Chapter 157.

RESOLVE DIRECTING THE QUARTER MASTER GENERAL TO CALL UPON ALL PERSONS WHO HAVE FIRE-ARMS BELONGING TO THIS COMMONWEALTH TO RETURN THEM AND ALLOWING PAY TO CAPT. BURBECK.

Resolved, That the Quarter Master General be & he hereby is directed to call on all persons who are in possession of any Fire Arms loaned by this Commonwealth, to deliver the same to him within three months after such demand, or pay to him the sum of five Dollars for each & every of said fire arms : — & in case any person, possessing any of said fire arms, shall neglect or refuse to return said fire arms or pay in lieu thereof the said sum of five

Dollars; the said Q. M. General is hereby authorized & directed to prosecute & sue such offender, therefor.

Resolved, That the Q. M. General be & he hereby is authorized to retain Capt. John Burbeck in the service of this Commonwealth, as an Artillerist — to take care of the fortification & stores at Nantasket, untill the first day of July next.

Resolved — That there be allowed & paid to the said Capt. John Burbeck during his continuance in the service of this Commonwealth, One Dollar & seventy five cents pr. day.

February 28, 1799.

Chapter 158.

RESOLVE ON THE PETITION OF JONATHAN AMES.

On the Petition of Jonathan Ames of Bridgewater praying to be discharged from debts due on judgments awarded against him in favor of the Commonwealth by the Supreme judicial Court at Plymouth in the year 1797 on default on his recognizance for the appearance of one Ebenezer Leach and Sarah Gay who were indicted before said Court holden in the year 1796 at said Plymouth.

Resolved, that the several debts due to the Commonwealth from Jonathan Ames of Bridgewater in the County of Plymouth awarded against him by the Supreme Judicial Court holden at Plymouth in the County of Plymouth aforesaid in the year 1797 upon default on his recognizances entered into before the Supreme Judicial Court holden at said Plymouth for the year 1796 for the appearance of Ebenezer Leach & Sarah Gay before said Court to answer to indictments found against them, be & the same hereby are released, forgiven, and remitted unto the said Jonathan Ames upon his paying all costs which the said Commonwealth has been put to in said prosecution — & the Attorney General is hereby directed to govern himself accordingly.

March 1, 1799.

Chapter 159.

RESOLVE FOR REMOVING THE PRISONERS IN BOSTON GAOL IN CASE SICKNESS SHOULD AGAIN PREVAIL IN BOSTON.

Whereas contagious and epidemical sickness may again prevail in Boston, by which the lives of prisoners in Goal

there may be endangered & lost unless such prisoners may be timely removed : Therefore,

Resolved, that should such sickness again prevail in the Town of Boston, whereby in the opinion of the board of Health there, the lives of the said prisoners shall be so endangered that a removal shall appear to the said board necessary for the safety of the prisoners, such prisoners, being committed, confined or held in prison by or on account of the Commonwealth only, shall be removed to the Goals in Cambridge, Concord & Dedham or to any one or more of said Goals, as shall be most convenient, by warrant from his Excellency the Governor.

And it shall be the duty of the several keepers of the said Goals in Cambridge, Concord & Dedham to receive the prisoners aforesaid and them safely keep as they by law are to keep prisoners committed for like offences by ordinary process of law, until such prisoners shall be liberated, or returned to the said Goal in Boston by virtue of this resolve or otherwise by order of law.

And it shall be & hereby is made the duty of the said board of health to have regard to the circumstances of said prisoners, and, when said board shall have formed an opinion as aforesaid, to certify the same to the Governor, and also to certify when, in their opinion, the said prisoners may be returned to the said Goal in Boston with safety. And the several keepers of the said Goals in Cambridge, Concord & Dedham, who by virtue of this resolve may receive & keep any prisoners as aforesd., shall render an Account thereof to the Court of General Sessions of the Peace for the County of Suffolk, in the manner & to have the like operation in every respect, as is provided in the Act passed Feby. 27th 1795 entitled "An Act in addition to an Act, entitled, An Act providing for the payment of Costs in Criminal prosecutions, and for preventing unnecessary costs therein."

And any prisoner for debt confined in the said Goal in Boston may if such prisoner request it be removed therefrom; & returned thereto in manner aforesaid — *Provided however* that the consent of the creditor or creditors or those interested in his imprisonment his or their Attorney or Attornies shall be therefor first had in writing — or if such prisoner has the liberty of the Goal yard in Boston, then the consent to such removal, shall be first had in writing, of the sureties of such prisoner — in

which case such prisoner shall have the liberty of the Goal yard of the prison to which he may be removed, in the same manner as if he had been there originally committed & Bond for the liberty of the yard there, given — And any act of a prisoner for debt removed as aforesaid which would have been an escape had he remained committed to the same original prison by due course of law, and for which his sureties would have been liable on such Bond, shall be an escape, and may be assigned as a breach of the condition of the Bond given as aforesd.

And the keepers of the several Goals in Cambridge, Concord & Dedham are hereby required to receive & to keep safely, & in the same manner as they are required to keep prisoners for debt committed by the ordinary process of law, those prisoners for debt who may be removed from the Goal in Boston & committed to their custody as aforesaid — And such keepers of the several Goals aforesaid are hereby made liable to the creditor & creditors, for voluntary & negligent escapes in the same manner as if such prisoner who may so escape had been originally committed to the custody of such keeper — *Provided, however* that nothing herein contained shall be construed to render the Keepers of either of the said Goals in Cambridge, Concord or Dedham, or either of the Counties within which the said Goals are situated liable to any action or demand of any creditor or creditors for or on account of such escape when happening through the insufficiency of the Goal.

And his Excellency the Governor is hereby authorized and requested to issue all warrants necessary for carrying this Resolve into full effect; both for removing the prisoners aforesaid from, and returning them to the said Goal in Boston in manner abovementioned. *March 1, 1799.*

Chapter 160.

RESOLVE AUTHORIZING THE SECRETARY AND TREASURER TO AGREE FOR ONE YEAR WITH A PERSON TO GUARD THE STATE HOUSE.

Resolved That the Secretary and Treasurer of the Commonwealth be and they are hereby authorized to agree, for one year, with one of the persons, that they may employ as a night watch to guard the State House; pursuant to a resolution passed February 22, 1798, to attend

every day at the State House for the better security of the same, and the compensation for said attendance shall be made in the same way and manner as is provided by the resolve aforesaid.

March 1, 1799.

Chapter 161.

RESOLVE GRANTING PAY TO THE ASSISTANT CLERK OF THE SENATE.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth to Edward Payne Hayman, assistant Clerk of the Senate, the sum of one hundred & twenty Dollars in full for his services the present Session of the General Court.

March 1, 1799.

Chapter 162.

RESOLVE AND GRANT ON THE PETITION OF OSGOOD CARLETON.

On the petition of Osgood Carleton praying that a sum may be granted him for his immediate relief, on account of the services he has render'd, and has contracted to render this Commonwealth in compiling a map thereof.

Resolv'd That there be allowed and paid from the Treasury of this Commonwealth to the said Osgood Carleton the sum of four hundred dollars on account of his services as aforesaid he to be accountable therefor in manner as the general Court shall hereafter direct.

March 1, 1799.

Chapter 163.

RESOLVE ON THE PETITION OF THE TOWNS OF WINTHROP AND READFIELD.

On the petition of the towns of Winthrop and Readfield praying for leave to sell a lot of land, the joint property of said towns, the same being lot No. 57 in said Winthrop; and to apply the interest of the money arising from said sale to the use of the ministry in said towns respectively.

Resolved that the prayer of said petition be granted, and that the respective treasurers of the said towns of Winthrop and Readfield for the time being be & they hereby are Jointly empowered to sell the aforesaid lot of land, & to give and execute a good and lawfull deed or

deeds of the same, in behalf of their respective towns; And the said Towns of Winthrop & Readfield are hereby further authorized & required to loan their respective proportions of the monies arising from such sale, and to apply the interest thereof to the use of the ministry in the same.

March 1, 1799.

Chapter 164.

RESOLVE ON THE PETITION OF WILLIAM LUSCOMB, DIRECTING THE SECRETARY TO CERTIFY THE BALANCE.

On the petition of William Luscomb, Administrator of the Estate of William Luscomb late of Salem deceased.

Resolved, That the Secretary of the Commonwealth, be and he hereby is directed to certify to the Governor & Council the balance due to William Luscomb, late a Matross in Coll. Crane's regiment in the Continental Army. And the Treasurer on receiving a Warrant therefor is hereby directed to Issue a note conformable to the Law Providing for the debt of this Commonwealth, for the amount of the principal and interest due to the Estate of said Luscomb.

March 1, 1799.

Chapter 165.

RESOLVE GRANTING TO THOMAS WALCUT ONE HUNDRED AND TEN DOLLARS.

Resolved that there be allowed & paid out of the Public Treasury to Thomas Wallcut One hundred & ten Dollars in full for his services as Assistant Clerk of the House of Representatives the present Session & including what remained due to him for his services the last Session of the General Court.

March 1, 1799.

Chapter 166.

RESOLVE ALLOWING EXTRA PAY TO THE COMMITTEE ON ACCOUNTS.

Resolved, That there be paid out of the public Treasury of this Commonwealth to the Committee appointed to examine & pass on accounts for their attendance on that service the present session, the sums annexed to their respective names, in addition to their pay as Members of the Legislature, vizt. To the Honble. Isaac Thompson

for forty four days attendance, Twenty two dollars. To the Honble. Ebenr. Thayer for Forty four days, Twenty two dollars. To Silas Holman for Thirty eight days, Nineteen dollars & to Nathan Fisher for Thirty eight days, Nineteen dollars, which sums shall be in full for their services aforesaid.

March 1, 1799.

Chapter 167.

RESOLVE GRANTING FIFTY DOLLARS TO NOAH BAYLEY.

On the petition of Noah Bayley.

Resolved that in consideration of his very necessitous circumstances and the peculiar objects of his agency & the inability of his employers to compensate him for his services for them, that there be allowed & paid out of the public Treasury fifty Dollars to the said Noah Bayley.

March 1, 1799.

Chapter 168.

RESOLVE ON THE PETITION OF ELI BULLARD AND OTHERS.

On the petition of Eli Bullard & others.

Resolved, that the Governor be, & he hereby is, authorized & empowered, if he shall judge it expedient, to raise, commission & equip a Company of Artillery in the Town of Framingham, & annex the same to the Battalion of Artillery in the County of Middlesex.

March 1, 1799.

Chapter 169.

RESOLVE GRANTING ADDITIONAL PAY TO THE JUDGES OF THE SUPREME JUDICIAL COURT.

Whereas the salaries established By Law for the Justices of the Supreme Judicial Court, are insufficient for Their Honorable support, at the present time :

Resolved that for the current year commencing from the First day of January last, there shall be allowed to each of the Justices of the Supreme Judicial court, at the rate of Five Hundred Dollars in addition to his present Salary, as by Law established and payable there with.

February 28, 1799.

Chapter 170.

RESOLVE APPOINTING NATHANIEL DUMMER, ESQ. AT THE EXPENSE AND REQUEST OF SIMEON FOWLER AND JOHN BREWER, TO REPAIR TO THE TOWN OF ORRINGTON, FOR THE PURPOSES MENTIONED; AND DIRECTING THE ATTORNEY GENERAL TO STAY EXECUTION.

Resolved, that Nathaniel Dummer, Esq. be and hereby is appointed a Committee, at the request and expence of John Brewer and Simeon Fowler, Esqrs. to repair to the Town of Orrington, in the County of Hancock, for the purpose of ascertaining the names and number of settlers who settled in that Town before the first day of January 1784, and made separate improvements therein, with the names and number of the settlers who settled in that Town since that period, and prior to the 25th day of March 1786, and made separate improvements therein. And the said committee (having due regard to a deed of ten thousand, eight hundred and sixty four acres of land to the said Brewer, Fowler and other settlers in said Town, executed by the committee for the sale of eastern lands at the period last mentioned, and a Resolve of the Legislature passed the 25th day of February 1791 respecting settlers in said Township) is to ascertain the quantity of land which each of the settlers aforesaid ought to hold, with the sum of money which ought to be paid by each of said settlers to the said Brewer and Fowler, to enable them to pay the sum due to Government for the lands aforesaid. And the said Dummer is hereby directed to make report of his doings in consequence of this Resolve, to the Committee for the sale of eastern lands, for their consideration. And in case they shall approve of the same, the said Brewer and Fowler are hereby authorised to call upon the said settlers severally to pay the sums from them respectively due, according to the report aforesaid. And if any settler shall not make payment accordingly within the space of six months after he shall receive notice of the sum to be by him paid for his part or proportion of the lands aforesaid, the said Brewer and Fowler are directed to give information thereof to the General Court, in order that such further proceedings may be had as justice may require. *And it is further*

Resolved that the Attorney General be and he is hereby directed to stay execution upon a Judgment recovered by

the Commonwealth, against the said Brewer and Fowler, which was founded on their bond given for payment of said lands, until the further order of the General Court.

March 1, 1799.

Chapter 171.*

RESOLVE RELATING TO THE ORDNANCE AND MILITARY STORES
DELIVERED TO THE UNITED STATES.

On the Representation of the Quarter Master General, setting forth that he ha[d] delivered to Major Daniel Jackson Commanding Officer of Castle Island, a quantity of Ordnance and Military Stores, the property of this Commonwealth, and valued at Forty one Thousand, six hundred and seventy-nine Dollars & seventy eight Cents; the said Jackson having previously produced an Order from the President of the United States for the reception of the said Stores.

Resolved, that His Excellency the Governor be and he hereby is requested to take such measures as he shall judge proper for obtaining from the United States, the payment of the said sum of Forty-one thousand six hundred and seventy nine Dollars and seventy eight cents, the amount of the Ordinance & Military Stores delivered as aforesaid.

March 1, 1799.

Chapter 172.

RESOLVE ON THE PETITION OF LOTHROP TURNER, AUTHORIZING
THE GOVERNOR AND COUNCIL TO RAISE A COMPANY OF LIGHT
INFANTRY IN THE TOWN OF PLYMOUTH.

On the petition of Lothrop Turner, praying for leave to raise a Company of Light Infantry, in the Town of Plymouth.

Resolved, That the Governor, with consent of the Council, is hereby authorised and empowered to raise a Company of Light Infantry in said Town of Plymouth, being in the first Regiment first Brigade & fifth Division of the Militia of this Commonwealth, to be annexed to said first Regiment and Subject to such rules & Regulations as are or may be provided by Law.

March 1, 1799.

* Taken from court record.

Chapter 173.

RESOLVE ABATING BALANCES DUE ON TAX NO. 5 FROM THE SEVERAL TOWNS AND PLANTATIONS IN THE COUNTIES OF HANCOCK AND WASHINGTON, AND DIRECTING THE TREASURER TO ENFORCE COLLECTION OF OTHER TAXES.

Resolved That the balances due on Tax No. 5 from the several Towns and Plantations in the Counties of Hancock and Washington be and hereby are abated.

And it is further Resolved That the Treasurer of the Commonwealth be and he hereby is directed to enforce the collection and payment of all sums that may remain due on the first day of September next on Taxes No. 6, 7, 8 and 9 from the Towns and Plantations aforesaid.

March 1, 1799.

Chapter 174.

RESOLVE ON THE PETITION OF BENJAMIN BASS IN BEHALF OF JOEL SILVESTER, DIRECTING THE TREASURER TO ISSUE A NEW NOTE.

On the Petition of Benjamin Bass in behalf of Joel Silvester Attorney to Obediah Silvester a soldier in Capt. Seth Drews Company & Col. John Baley's Regiment praying for his wages which have been drawn by a forged order.

Resolved That the prayer of the petition be granted and that the Treasurer be and he is hereby directed to Issue to the said Obediah Silvester a note or notes for his wages amounting to twenty five pounds fifteen shillings in the same way and manner as if the said forged order had not been drawn.

March 1, 1799.

Chapter 175.

RESOLVE GRANTING PAY TO THE CLERKS OF THE TWO HOUSES AND THE CHAPLAIN.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth, to the Revd. Peter Thacher, Chaplain of the two Houses Sixty Dollars; to Mr. Edward McLean Clerk of the Senate Two hundred & fifty Dollars; & to Henry Warren Esq. Clerk of the House of Representatives, Two hundred & fifty Dollars, in full for their services respectively the present year. And that the

Treasurer be, & he is hereby directed, on receiving a warrant therefor, to pay the same out of the same funds & in the same manner as the Members of the General Court are paid for their services the present session.

March 1, 1799.

Chapter 176.

RESOLVE ON THE MEMORIAL OF NATHAN DANE, JOHN SPRAGUE AND ENOCH TITCOMB.

Whereas by the memorial of Nathan Dane John Sprague and Enoch Titcomb (Commissioners to declare on what terms certain settlers on the Waldo patent shall be quieted in their possessions) it appears to this Court, that by reason of the delays of the said Settlers in measuring setting off and designating the possessions wherein they were to be quieted, they (the Commissioners) could not comply with that part of the resolve of this Court of the 27th of June last which enjoins them to finish all references therein mentioned by the first day of January 1799 :

Resolved, That the clause above mentioned in the said Resolve of June 27th be and hereby is repealed; and that the said Nathan Dane John Sprague and Enoch Titcomb junr. Commissioners as aforesaid are hereby enjoined to finish the object of their Commission as soon as the circumstances of the business will permit. *March 1, 1799.*

Chapter 177.

ROLL NO. 40.

The Committee on Accounts having examined the accounts they now present,

Report, that there are due to the Towns and persons hereafter mentioned the sums set to their names respectively (which, if allowed and paid) will be in full discharge of said accounts to the dates therein mentioned.

ISAAC THOMSON *pr. order.*

Pauper Accounts.

	Dolls.	Cts.
To the Town of Attleborough for supporting Hannah Jane including Cloathing to Jany. 12th 1799	60	65
To the Town of Abington for House rent, and sundry supplies for Margaret Bonner to Jany. 1st 1799	15	25
To the Town of Alford for supporting William Maxfield to Jany. 8th 1799 including Doctr's. bills	72	57

	Dolls. Cts.
To Joseph Allen for Doctoring John Wilkie to Decr. 22d 1798	17 2
To the Town of Amesbury for supporting Jonathan Cidwell to May 18th 1798	33 50
To the Town of Boston for supporting sundry paupers including Cloathing from the 31st May, to the 1st December 1798	2550 66
To the Town of Brookfield for supporting Luke Tinney and his wife to Jany. 1st 1799 — and Abigail Chaise to the day of her death including Cloathing, Doctrs. bills & funeral expenses	105 47
To the Town of Boxborough for supporting John Kenady including Cloathing to Jany. 5th 1799	49 64
To the Town of Blandford for supporting James Carter including Cloathing to Jany. 19th 1799	60 32
To the Town of Bolton for moving John Knows to the Town of Wethersfield	12 50
To the Town of Barre for supporting Christian Dandrick including Cloathing & Doctrs. bills to Jany. 1st 1799, and Joel Occom (an I[n]dian boy) to May 19th 1798 including Doctrs. bills	77 34
To the Town of Beverly for supporting Jane McComb, Morris Nash and William Green, to Jany. 5th, 1799 including Clothing	207 96
To the Town of Bridgewater for supporting & Cloathing John Jess to Jay. 1st 1799	55 0
To the Town of Belcherstown for supporting Betty Demon to Jany. 26th 1799 including Cloathing & Doctoring	43 77
To the Town of Buckland for supporting John Wilkie including Cloathing to Jany. 25th 1799	66 83
To John Bartlet for Visits and Medicines to sundry state paupers in Roxbury to Jany. 16th 1799	57 56
To the Town of Billerica for supporting Michael Taylor to Feby. 18th 1799	20 50
To William Coffin for Doctoring sundry state paupers in the Town of Gloucester to Jany. 4th 1799	144 11
To the Town of Charleston for two Quarters of House Rent for Benjamin Long	12 0
To the Town of Conway for supporting John Atsatt including Cloathing to Jany. 22d 1799	60 50
To the Town of Charlemont for supporting Abraham Bass to Jany. 21st 1799 including Cloathing & Doctrs. Bills	59 0
To the Town of Carlisle for supporting Matthew Jemmer-son & Robert Barber to Jany. 26th 1799 including Cloathing & Doctrs. bills	106 57
To the Town of Coldrain for supporting William Osborn, William Wilson 2d, Rachel Carr, and John Allen to Jany. 1st 1799 including Cloathing & Doctrs. Bills	273 11
To the Town of Cambridge for supporting, Cloathing & Doctoring John Pobeck to Jany. 9th 1799	89 9
To the Town of Concord for supporting William Shaw to Jany. 10th 1799	37 20
To the Town of Danvers for supporting John Wooden Jerusha Bird including Cloathing to Jany. 6th 1799	80 97
To the Town of De[a][er]field for supporting George Cook from 1st Decr. 1797 to March 1st 1798	25 0

	Dolls. Cts.
To the Town of Dedham for supporting Charles Williams and Robert Clue in full	25 25
To the Town of Dartmouth for supporting Polly Upham, and Rachel Casar an Indian woman including Cloathing & Doctering to Jany. 21st 1799	87 70
To the Town of Dover for supporting and Cloathing Patrick Cowin to Feby. 18th 1799	64 17
To the Town of Dorchester for boarding, Nursing & Cloathing Mrs. Thornton to Feby. 6th 1799	110 0
To the Town of Duxbury for supporting Margaret Mitchel to Feby. 13th 1799	46 79
To the Town of East-Hampton for supporting Rebecca Gardner to Jany. 17th 1799, including Cloathing Doctoring	47 83
To the Town of Egremont for supporting the Widow Daley and three Idiot Children Viz., Joseph, Benjamin & Elizabeth to Jany. 11th 1799	204 61
To Constant Freeman keeper of the Almshouse in Boston to Decr. 1st 1798	196 67
To the Town of Freetown for supporting Francis Brow to Feby. 1st 1799 including Cloathing	97 50
To the Town of Falmouth for supporting and Cloathing a Negro man by the Name of Jack Mitchel to Decr. 17th 1798	28 0
To the Town of Gloucester for supporting and Cloathing sundry paupers to Novr. 10th 1798	832 81
To James Gass for Doctering sundry state paupers in Gloucester to Decr. 20th 1798	38 0
To the Town of Grandby for supporting Ebenr. Dervin and John Murry to Jany. 7th 1799, including Cloathing & Doctr' bills	78 2
To the Town of Georgetown for supporting John Leyons & Nicholas Hand to Jany. 19th 1799, including Cloathing — and Partrick Lynch & Francis McLara to the time of their deaths including Funeral Expenses	310 87
To the Town of Granville for supporting & Cloathing Thomas Williams and his wife to Feby. 1st 1799	74 81
To the Town of Greenfield for supporting John Battis & Eunis Converse, to Jany. 1st 1799 including Cloathing & Doctr. bills — and John Esterwood his wife & one Child three weeks & half, including Doctr. bills	100 37
To the Town of Groton for supporting John Claffin Wright to Jany. 10th 1799 and John William Benteroot and his wife including Cloathing, and Doctr. bills to the same time	183 32
To the Town of Hollewell, for supporting George Frost a foundling Child to Jany. 1st 1799	49 83
To Thomas Hinekey for supporting Rachel Commings to January 1st 1799	144 0
To the Town of Hancock for supporting Rebecca Osborn an Idiot including Cloathing to Jany. 1st 1799	50 80
To the Town of Hadley for supporting and Cloathing Francis Trayner, Mary Battis, & Peter Mange including Doctr. bill	130 57
To the Town of Holliston for supporting Jams Lewis including Cloathing to Feby. 2d 1799	73 90

	Dolls. Cts.
To the Town of Hawley for supporting Thomas Oaks including Cloathing Jany. 1st 1799	79 33
To the Town of Hardwick for supporting David Chamberlain to Deer. 28th 1798, and John Veal to Jany. 8th 1799 including Cloathing & Doctrs. bill	164 25
To the Town of Hopkinton for supporting Wm. Maybre to April 1st 1798 and James Roach to Feby. 1st 1799 including Doctrs. bill	70 63
To Joseph Hodgkins keeper of the House of Correction in the Town of Ipswich	280 55
To the Town of Ipswich for supporting Nursing & Cloathing Antonio Crane to Jany. 8th 1799	35 40
To the Town of Lenox for Supporting John Jones & Christian Crow including Cloathing & Doctrs. bill to Jany. 17th 1799	56 52
To the Town of Littleton for supplies for Richard Crouch to Jany. 26th 1799	24 0
To the Town of Lincoln for supporting Thomas Pocock to Feby. 5th 1799 including Cloathing	48 45
To the Town of Leicester, for supporting Spencer Noble to Jany. 13th 1799 including Cloathing	39 0
To the Town of Lynn for supporting Doctering Nursing and burying John Andrews	70 34
To Joseph Manning for Visits & Medins. for sundry paupers in the Town of Ipswich to Feby. 12th 1799	50 34
To the Town of Methuen for supporting & Cloathing Thomas Pace to Jany. 1st 1799	45 18
To the Town of Mendon for supporting Sally Brown a Negro woman & her two Children including Cloathing to Jany. 26th 1799	26 25
To the Town of Machias for boarding & Nursing John Hodson three days	1 50
To the Town of Milton for supporting & Cloathing Thomas Webster to Feby 12th 1799 — and a transient Lad taken sick on the Road	57 0
To the Town of Norton, for supporting Joseph Pratt and Nero (a Negro) to Feby. 1, 1799, including Clothing	151 99
To the Town of New-Bedford, for supporting Peg Burnett, Patience Sydnal & Children, & Isaac Simons, to Feby. 1, 1799 including Clothing, Doctor's bills and funeral expenses for sd. Peg Burnet & Isaac Simons	90 46
To the Town of Newbury for supporting sundry paupers including Cloathing and Doctrs. bills from Jany. 1st 1798 to Jany. 1st 1799	1045 36
To the Town of New-Marlbrough for supporting Huldah Squire including Cloathing, in full (excepting Doctor Smith's bill which is mislaid)	28 70
To the Town of New-Salem for supporting three of the Children of Jesse Bedient to Feby. 5th 1799	44 20
To the Town of Newbury-Port for supporting sundry State paupers including Cloathing Nursing & Doctering from Jany. 1st 1798 to Jany. 1st 1799	1593 50
To the Town of North Hampton for supporting Samuel Green to Jany. 3d 1799, & Michael Meads to Jany. 1st and Naney McMullin to Jany. 12th 1799, including Cloathing	142 14

	Dolls. Cts.
To the Town of Oakham, for supporting Doctoring and Funeral Expenses of Francis Noble	16 50
To the Town of Oxford for supporting Martin Jordon including Cloathing funeral expenses — and for supporting Catharine Jordon to Jany. 1st 1799 including \$15 — alld. Jona. Learned for Doctering	71 81
To the Town of Pembroke for supporting John Monder to Jany. 1st 1799 including Cloathing	49 13
To the Town of Plymton for sundrys supplyd to Simon Brown and Hannah Mitchel to March 1st 1798 including Doctr. Bartletts bill	67 4
To the Town of Portland for supporting Susanna Thomas and the widow Padon and Child, to Jany. 10th 1799 including Cloathing	74 85
To the Town of Palmer, for supporting, Cloathing, and Nursing William Mendon to Jany. 4th 1799	67 37
To the Town of Pittston for supplies for Mr. Hague and family including physician's bill	22 89
To the Town of Plymouth, for supporting & Cloathing Nathaniel Thomas, to Jany. 27th 1799	63 67
To the Town of Pittsfield for supporting Molly Welsh one year ending Jany. 1st 1799, and for boarding Nursing and Doctering Benjamin Fisk and for conveying a transient person out of the State	65 0
To the Town of Royalston for supporting Joshua Capon to 29th Jany. 1799 including Cloathing	23 55
To the Town of Reading for Thomas Grant to Octr. 20th 1798, and Samuel Bancroft to Jany. 25th 1799, including Cloathing & Doctr. bills	180 65
To the Town of Rehoboth for supporting Cloathing, and Doctering Richard Bolton to Jany. 1st 1799 and Anna Carroll, to Decr. 7th 1798	62 65
To the Town of Roxbury for Supporting Cloathing, & Nursing sundry paupers to Jany. 1st 1799	465 59
To the Town of Swanzey, for supporting Salley Robbins and her Children to Jany. 3d 1799, including Cloathing and funeral expenses for her and one Child, and Finner Peirce, a Negro woman, to Jany. 4th 1799	112 14
To the Town of Southwick for supporting George Read including Cloathing to Feby. 1st 1799	70 67
To the Town of Shirley for supporting and Cloathing John Kelley to Jany. 17th 1799	35 74
To the Town of Stockbridge for supporting and Cloathing Henny Cole to Sepr. 4th 1798 Samuel Haney, Joseph Grant, and prince, a Negro, to Decr. 4th 1798	174 52
To the Town of Salem for supporting sundry paupers including Cloathing and Doctr. bill from June 4th 1798 to Jany. 1st 1799	1094 17
To the Town of Stoughton for supporting Nursing and Doctering Cesar a Black man in the winter & spring of 1798	26 23
To the Town of Scituate for sundrys supplyd to Mary Carlow, and Cloathing Elizabeth Breedon to Feby. 3d 1799	65 50
To William Towner for doctg. London Wallace & Polley Wallace to Decr. 27th 1798	56 6
To the Town of Upton, for supporting & Cloathing Elizabeth Brown, to Feby. 6th 1799	58 17

	Dolls. Cts.
To the Town of Uxbridge for supporting & Cloathing Betty Trifle & David Mitchel to Jany. 23d 1799	82 50
To the Town of Western for supporting & Cloathing John Kean to Jany. 1st 1799, and John Weakley to Jany. 11th and William Johnson & Hannah his wife to the sd. 11th Jany. 1799	120 83
To the Town of Weymouth for supporting Thomas Wallis including Cloathing to Jany. 4th 1799	40 0
To the Town of Westfield for supporting and Doctering James Duell to Feby. 1st 1799 and William Davis including Cloathing, Doctering and Nursing to Jany. 1st 1799	127 31
To Josiah H. White for doctg. John Killy to Feby. 12th 1799	11 10
To the Town of Woolwich for supporting Cloathing and Doctering Joshua Fuller to Decr. 31st 1798	91 0
To the Town of Winsor for supporting and Cloathing Benjamin Still & wife to Feby. 11th 1799	94 17
To the Town of Williamston, for supporting, Nursing & Cloathing London Wallace & Polley Wallace, to Jany. 21st 1799	51 33
To the Town of Walpole for supporting and Cloathing Sally Davis to Jany. 1st 1799 and Patrick Hancock to Jany. 6th 1799	155 78
To the Town of Wrentham for supporting Harcourt including Cloathing to Jany. 1st 1799	59 78
To the Town of Ware for Supporting Thomas Robuck to the time of his death including Cloathing Doctering & Nursing	85 0
To the Town of Worcester for supporting and Cloathing Peter Willard to Jany. 1st 1799 and Partrick Mears eight days including Cloathing	75 93
To the Town of West-Springfield for supporting Lucy Kent and Child, and William Bell to Jany. 7th 1799, including Cloathing	90 72
To the Town of Westford for supporting Elizabeth Wilson to Jany. 1st 1799 including Cloathing and Doctering	76 67
To the Town of Woburn for supporting Thomas Hardman including Nursing and Doctering to Jany. 8th 1799	111 31
To the Town of Westborough for supporting John Skudemore to Feby. 4th 1799 including Cloathing, Nursing & Doctrg.	59 83
To the Town of York for supporting Elizabeth Perkins, William Kerswell and his wife and Mary Crocker to Jany. 1st 1799 including Cloathing & Doctering	149 26
	<hr/>
	15921 42

Militia Accounts.

	Dolls. Cts.
To James Ayers, Adj. to July, 1798	7 29
To Amos Ames Adj. to Novr. 1798	22 53
To John Adams Adj. to Jany. 1799	23 16
To James Avery Brigade Majr. to Jany. 1799	82 35
To Luke Bemis for conveying Artillery — to Jany. 1799	7 50
To William Burr for conveying Artillery — to Jany. 1799	3 75

	Dolls. Cts.
To William Bull Adj. for services to Jany. 1799 . . .	15 75
To Samuel Bliss Adj., for services to Jany. 1799 . . .	24 49
To William Bridge Adj. for services to Jany. 1799 . . .	52 91
To Josiah Byington Adj. for services to Feby 1799 . . .	22 12
To Peter Butlar, Adj. for services to Jany. 1799 . . .	10 24
To Matthias Blossom Adj. for services to Jany. 1799 . . .	32 61
To David Boutwell Adj. for services to Jany. 1799 . . .	16 58
To Abner Burt Adj. for services from April 1798 to Jany. 1799 . . .	13 83
To Jonah Brewster Adj. for services to Jany. 1799 . . .	10 82
To Benjamin Blanchard Adj. for services to Jany. 1799 . . .	26 30
To Joseph Chandler, for Horse hire conveying Artillery, to Jany. 1799 . . .	5 46
To Samuel Cutlar for Adjts. duty and Horse hire conveying Artillery to Jany. 1799 . . .	19 86
To Peter Clark Adj. for services to Jany. 1799 . . .	26 94
To Hartshorn Coney Adj. for services to Decembr. 1798 . . .	17 97
To Isaac Clewley Adj. for services from June to November 1798 . . .	22 49
To Elihu Cutlar Adj. for services to Jany. 1799 . . .	38 75
To Joel Deming Adj. for services to Jany. 1799 . . .	5 79
To Medad Dickinson Brigade Majr. for services to Jany. 1799 . . .	49 96
To Jesse Devenport Adj. for services to Jany. 1799 . . .	43 6
To Walter Dickson Adj. for services to Jany. 1799 . . .	19 69
To Russell Dewey Adj. for services to Sept. 12th 1798 . . .	22 42
To William Donnison Adj. General for his services to Jany. 1799 . . .	633 33
To Ephraim Emory Brigade Majr. for services to Jany. 1799 . . .	60 50
To Noah Ford for Horse hire, conveying Artillery to Jany. 1799 . . .	5 0
To Abraham Fuller Adjutant for services to Jany. 1799 . . .	11 66
To Joseph Farley Adj. for services to Jany. 1799 . . .	27 81
To Samuel Field Adj. for services to Jany. 1799 . . .	19 32
To John Farrer Adj. for services to Jany. 1799 . . .	10 73
To William Fisk Brigade Majr. for services to Jany. 1799 . . .	34 70
To Ruben French for Horse hire conveying Artillery — to Jany. 1799 . . .	10 0
To Thomas Gardner for Horse hire conveying Artillery — to Jany. 1799 . . .	8 84
To Barzillai Gannett Aide Camp, for services — Distributing Division Orders — to Feby. 5th 1799 . . .	16 87
To Eleazer Holmes for Horse hire conveying Artillery — &c. to Jany. 1799 . . .	7 50
To Epaphras Hoyts Adj. for services to Jany. 1799 . . .	11 18
To Samuel Howard Brigade Majr. for services from July to December 31st 1798 . . .	72 46
To Cyrus Hosmer Adj. for services to Feby. 1799 . . .	36 87
To Jacob Haskell Adj., for services to Jany. 1799 . . .	12 93
To Caleb Howard Adj., for services to Jany. 1799 . . .	19 0
To Nathan Hayward for services in distributing Division Orders to Jany. 1799 . . .	25 85
To Timothy Hopkins Adj. for services to Jany. 1799 . . .	11 24
To William Hinkley Brigade Majr. for services to Jany. 1799 . . .	45 78

	Dolls. Cts.
To William Jackson Brigade Majr. for services to Decem- ber 1798	35 85
To William Jefferds Brigade Majr. for services to Jan'y. 1799	41 48
To Winsor Jones Adj't. to Jan'y. 1799	26 30
To John Kidder for Horse hire conveying Artillery &c. Jan'y. 1799	5 0
To Cyrus Keith Adj't. for services from July 1798 to Jan'y. 1799	8 50
To William Lurvey for Horse hire, conveying Artillery, &c. to Jan'y. 1799	11 25
To Ephraim Lincoln for Horse hire conveying Artillery &c. to Jan'y. 1799	4 58
To Nathaniel Libbey Adj't. for services to July 1798	13 28
To Giles Lymon Adj't. for services to Jan'y. 1799	8 22
To Seth Lincoln Adj't. for services to Oct'r. 20th 1798 . . .	8 93
To Jacob Mann Brigade Majr. for services to Jan'y. 1799 . .	88 43
To John Meacham Adj't. for an omission in his acct. rendered and passed March 1798	9 30
To Daniel Osborn Adj't. for services to Jan'y. 1799	7 58
To Sylvester Procter for Horse hire conveying Artillery &c. to Jan'y. 1799	3 75
To Nehemiah A. Parker Adj't. for services to Jan'y. 1799 . .	13 11
To Benjamin Poor Adj't. for services to Jan'y. 1799	17 0
To Thomas Phillips Brigade Majr. for services to Jan'y. 1799	33 3
To David Payson Adj't. for services to Jan'y. 1799	22 50
To Isaac Patten Adj't., for services to Jan'y. 1799	22 77
To William P. Rider Adj't. for services to Jan'y. 1799 . . .	13 77
To George Russell Adj't. for services to Jan'y. 1799	9 92
To Asariah Root Adj't. for services to Jan'y. 1799	6 83
To John Sargeant Adj't. for services to Jan'y. 1799	21 66
To Ignatius Sargent for Horse hire conveying Artillery &c. to 1799	22 0
To William Sprague Adj't. for services to Jan'y. 1799	16 32
To Erastus Smith Adj't. for services to Jan'y. 1799	32 41
To William Sever Brigade Majr. for services to Jan'y. 1799 .	72 35
To George Stanly Adj't. for services to Jan'y. 1799	19 27
To Daniel Sweet Adj't. for services to Jan'y. 1799	12 98
To Samuel Satterlee Adj't. for services to Jan'y. 1799 . . .	6 45
To Hennerly Sweet Adj't. for services to Dec'r. 1798	9 69
To Philip Sweetser Adj't. for services to Feby. 1799	10 62
To Amos Stoddard Brigade Majr for services to July 1798 . .	17 58
To John Spooner Adj't. for services to Jan'y. 1799	37 5
To John Taylor Brigade Majr for services to Feby. 1799 . .	51 25
To Samuel M. Thayer Brigade Majr. for services to Jan'y. 1799	142 75
To William Towner Brigade Majr. for services to Jan'y. 1799	55 12
To Isaac Talbut Adj't. for services to Feby. 1799	4 93
To Seth Tinkham Brigade Majr. for services to Jan'y. 1799	52 49
To John Tolman Adj't. for services to Sept'r. 1798	18 33
To Joseph Vinton Adj't. for services to Jan'y. 1799	4 5
To Daniel Wild for horse hire conveying Artillery, &c. to Jan'y. 1799	20 0

	Dolls.	Cts.
To Abel Wilder Adj. for services to Jan'y. 1799	21	24
To Daniel White Adj. for services to Jan'y. 1799	22	48
To Timothy Whiting Adj. for services to Jan'y. 1799	20	24
To Asa Williams Adj. for services in full	3	38
To Nathaniel Whittier Adj. for services to Feby. 1799	6	34
To Isaac Winslow Aid de Camp to General Elliot for distributing Division Orders to Feby. 1799	71	76
To Seth White Adj. for services to Feby. 1799	12	86
To John Williams Aid de Camp to General Hull for distributing Division Orders to Jan'y. 1799	125	16
To Sampson Woods Brigade Majr. for services to Jan'y. 1799	63	60
To Jonathan Wheeler Adj. for services to Jan'y. 1799	26	13

Expences of Courts Martial & Courts of enquiry.

	Dolls.	Cts.
To a Court Martial whereof Col. John Chandler was President	98	56
To a Court of enquiry whereof General Elliot was President	48	65
To a Court of enquiry whereof Majr. Butterworth was President	13	85
	3299	12

Miscellaneous Accounts.

	Dolls.	Cts.
To Thomas & Andrews, for 3 second Vols. Laws of Massachusetts, for the Information of the House of Representatives	7	50
To Norton Brailsford for mending the windows in the Old State House &c. 1797 & 1798	6	85
To John Boyle for Books and Stationary &c. supplyd the General Court &c.	315	91
To Peleg Coffin Esqr. Treasurer — for Postage on Letters &c. and for Oil for Lamps for the State House as pr. Bill	130	79½
To George Clark for Funeral expences for James Hanafar one of the Convicts	5	0
To Daniel Cawin for 48 days Assisting the Messenger of the General Court this Session and one day the last Sess[es]ion	85	75
To the Hon. Thomas Daws & Thomas Davis Esqrs. for their services in Adjusting the acct's. of Peleg Coffin Esqr. Treasurer of the Commonwealth, and for defacing Notes, due bills, orders &c. Issued under the authority of the Commonwealth, agreeable to a Resolve passed June 9th 1798 each \$35	70	0
To Oliver Fisk for supplies found the Convicts in Worcester Gaol	16	7
To Daniel Hooper for his time and expence in Notifying Tristram Jourden Esqr. to appear before the General Court, and Delivering a Summons to Robert Southgate Esqr. on the same buisness	28	50
To Oliver Hartshorn for supporting seven Convicts in the Goal in Boston to Jan'y. 22d 1799 including Cloathing & Nursing	202	44

	Dolls. Cts.
To Jonathan Hastings for Postage on Public Letters to Decr. 31st 1798	66 78
To Joshua Holt for Boarding, Cloathing and Schooling Levi Konkapot to Feby. 20th 1799 inclusive	66 78
To Joseph Hunt for Doctring Convicts in Concord Goal to Jany. 22d 1799	14 70
To Sylvanus Lapham for 46 days Assisting the Messenger of the General Court to Feby. 28, 1799	69 0
To Isaac Peirce Messenger to the Governor & Council, for sundrys supply'd Secretary's Office, Council, &c. after deducting one hundred and fifty dollars, Receivd. of the Treasurer, by Resolve	7 0
To John Rogers for himself, Ho[r]se and expences with Despatches from Justice Hill to His Excellency last September	27 0
To John Richardson for supporting five Convicts in Concord Goal including Cloathing and Nursing — to Jany. 22d 1799	178 62
To Thomas Spear for services as keeper of Hospital Island[a]d from Feby. 14th 1798 to Feby. 14th 1799	44 43
To Daniel Sewall Clerk of the Suprm. Court for the County of York for a Seal and three Recording Books	17 0
To David Thatcher for services in carrying summons to an Officer to summon Witnesses in Billerica to appear before the Senate, and paying said Witnesses in May last	6 38
To David West, for stationary, &c. for the Treasury's Office	67 63
To James White for stationary &c. for the Secretary's Office, and for the use of the General Court to Feby. 21st 1799	169 49
	<hr/>
	1603 62½

Printers Accounts.

	Dolls. Cts.
To Francis Stebbins, for Publishing Acts and Resolves of the General Court, for the year 1798	16 67
To E. Russell for ditto for 1798	16 67
To Wait Roberson & Baker for Do.	16 67
To Benjamin Russell for Do for 1797 and 1798	33 33
To Young and Minns for Printing for the General Court, Secretary, Treasurer, Adj. General & Agricultural Society to Feby. 26 1799	613 54
	<hr/>
	696 88

Sheriffs' Accounts.

	Dolls. Cts.
To Simon Larned, for services to Jany. 1799	23 33
To Edmund Bridge for services to Decr. 1798	44 89
To Joseph Hosmer for services to Jany. 1799	4 99
To Ebenezer Mattoon for services to Feby. 1799	37 64
To George Partridge for services to Jany. 1799	7 33
To John Wait for services to Jany. 1799	35 76
To Richard Hunnewell for services to Jany. 1799	51 84
To Benjamin C. Cutlar for services to Jany. 1799	6 16

	Dolls. Cts.
To the Administrator on the Estate of Atherton Thayer late sheriff of the County of Norfolk for Returning Votes &c.	13 80
	<hr/> 225 74

Aggregate of Roll No. 40.

	Dolls. Cts.
Expense of State Paupers	\$15921 42
Do. of Militia	3299 12
Do. of Miscellaneous	1603 62½
Do. of Printing buisness	696 88
Do. of Sheriffs	225 74
	<hr/> \$21746 78½

Read, and thereupon

Resolved, That there be allowed and paid out of the Public Treasury, to the several corporations and persons, mentioned in this Roll, the sums set against such corporations and persons respectively, amounting, in the whole, to [*the*] sum of twenty one Thousand seven hundred and forty six dollars, and seventy eight cents & [*an*] half, the same being in full discharge of the Accounts and demands to which they refer.

March 1, 1799.

ACTS
AND
LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS.

BOSTON:

PRINTED BY YOUNG & MINNS,

PRINTERS TO THE HONORABLE THE GENERAL COURT OF THE COMMONWEALTH.

M,DCC,XCIX.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.

1897.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS: AT
THE SESSION BEGUN AND HELD AT BOSTON, IN THE
COUNTY OF SUFFOLK, ON WEDNESDAY, THE TWENTY-
NINTH DAY OF MAY, ANNO DOMINI, 1799.

1799. — Chapter 1.

[May Session, ch. 1.]

AN ACT TO SETT OFF A TRACT OF LAND, COMMONLY CALLED
THE ELBOWS, IN SPRINGFIELD, IN THE COUNTY OF HAMP-
SHIRE, AND TO ANNEX THE SAME TO THE TOWN OF WILBRA-
HAM.

*Be it enacted by the Senate and House of Representatives,
in General Court assembled, and by the Authority of the
same,* That the tract of land belonging to Springfield, com-
monly called the Elbows, bounded westerly on Chicopee
River, North and East on the Town of Palmer, & south-
erly on the town of Wilbraham, with all the Inhabitants
thereon, be, and hereby is sett off from the town of Spring-
field, and annexed to the town of Wilbraham, and shall
forever after be considered as making part of the same.

Boundaries.

Provided nevertheless, That the said lands, with the
Inhabitants thereon, shall be holden to pay all taxes al-
ready assessed upon them by the town of Springfield, and
shall also be assessed and taxed by the assessors of said
town of Springfield in all state Taxes, untill another state
Valuation shall be taken, in the same manner as if this
Act had not been passed.

Taxes.

Approved June 11, 1799.

1799. — Chapter 2.

[May Session, ch. 2.]

AN ACT ALTERING THE NAME OF OLIVER POND, 3d. TO OLIVER N.
POND.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the Authority of
the same,* That from and after the passing of this Act,

Oliver Pond, the third of that name of Franklin, in the County of Norfolk, be, and he hereby is authorized and allowed to take, use and bear, the name of Oliver N. Pond, and by that name be hereafter known and called in all processes and records whatever.

Approved June 14, 1799.

1799. — Chapter 3.

[May Session, ch. 3.]

AN ACT TO CONTINUE IN FORCE FOR CERTAIN PURPOSES, AN ACT ENTITLED, "AN ACT FOR RENDERING PROCESSES IN LAW LESS EXPENSIVE."

Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the Authority of the same, that the said Act be, & the same is hereby revived & continued in force so far as to authorise the several Justices of the Peace within this Commonwealth, before whom processes may have been commenced under said law prior to the first day of June instant, to render Judgment, issue Execution, and do all such matters and things, relating to such processes, as they might have done, and in the same manner, as if the said law were yet in full force.

Approved June 14, 1799.

1799. — Chapter 4.

[May Session, ch. 5.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE PORTLAND BANK.

Preamble.

Whereas Joseph McLellan and others, have, by their petition to this Court, set forth that they have subscribed to a Fund for the establishment of a Bank in the Town of Portland, and have prayed to be incorporated for that purpose:

Persons incorporated.

SECT. 1. *Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph McLellan, Hugh McLellan, Lemuel Weeks, Daniel Tucker, James Dearing, Ebenezer Mayo, Thomas Sandford, Elias Thomas, Isaac McLellan, Isaac Gage, Ezekiel Day, Ebenezer Storer, John Mussey, Arthur McLellan, James Neal, Asa Clap, William Martin, Ruth Jewett, Joseph Ingraham,*

Woodbury Storer, William Symmes, Salmon Chase, James D. Hopkins, William Codman, David Smith, Thomas Webster, James Jewett, James Codman, Matthew Cobb, Stephen McLellan, Daniel Davis, Robert Boyd, Daniel How, William Hudson, Enoch Hsley, William McNeil, 3d. Samuel Hussey Stevens, Thomas Hovey, John Tabor, their Associates, Successors and Assigns, shall be, and hereby are created and made a Corporation, by the name of the President, Directors and Company of the Portland Bank; and shall so continue, from the first day of July next until the expiration of twenty years next following; and by that name shall be, and hereby are made capable in Law to sue and be sued, plead and be impleaded, defend and be defended in any Courts of Record or any other place whatever; and also to make, have and use a Common Seal, and the same again at pleasure to break, alter & renew; and also to ordain, establish and put in execution such bye Laws, Ordinances and regulations as to them shall appear necessary and convenient, for the Government of said Corporation, and the prudent management of their affairs. *Provided* such bye Laws, Ordinances and Regulations shall in no wise be contrary to the Laws and Constitution of this Commonwealth. And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Duration prescribed.

Corporate privileges.

Proviso.

SECT. 2. *And be it further Enacted*, That the Capital Stock of said Corporation shall consist of a sum not less than One hundred thousand Dollars, nor more than Three hundred thousand in Specie, and shall be divided into shares of One-hundred Dollars each; and the Stockholders, at their first meeting, shall, by a Majority of votes, determine the amount of the payments to be made on each share, and the time when each payment shall be made; also the mode of transferring and disposing of the Stock and the profits thereof; which, being entered on the books of said Corporation, shall be binding on the Stockholders, their Successors and Assigns: *Provided*, That no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of the One hundred Thousand Dollars aforesaid. And said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them their Successors and Assigns, Lands, Rents, Tenements & Hereditaments to the amount of Fifteen Thousand Dollars, and no

Capital.

Stockholders to regulate payments for shares.

Real estate.

more at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan & negotiate their monies and effects by discounting on banking principles on such security as they shall think advisable.

Restriction as
to indebtedness.

Money not to be
used in trade.

Tenements, &c.

Directors and
Cashier.

Officers in other
banks not
eligible as
directors.

Annual meet-
ing.

SECT. 3. *And be it further Enacted*, That the following Rules, Limitations and provisions shall form and be the fundamental articles of said Corporation. — *First*, That the said Corporation shall not owe at any one time more than twice the amount of their Capital Stock paid in, in addition to the simple amount of all monies actually deposited in said Bank for safe keeping: And in case of any excess, the Directors, under whose administration it shall happen, shall be liable for the same in their private capacity; but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a Body Corporate, from being also liable for and chargeable with such excess. — *Second*, That the said Corporation shall not vest, use or improve any of their monies, goods, chattells or effects in trade or commerce, but may sell all kinds of personal pledges lodged in their hands by way of security to an amount sufficient to reimburse the sum loaned. — *Third*, That the Lands, Tenements & Hereditaments which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business. *Fourth*. None but a Member of said Corporation, being a Citizen of this Commonwealth, and resident therein, shall be eligible for a Director or Cashier; and the Directors shall choose one of their own Number to act as President. And the Cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than Fifteen Thousand Dollars, with condition for the faithful discharge of the duties of his office. *Fifth*. No Director of any other Bank shall be eligible to the office of a Director of this Bank, although he may be a Stockholder herein; and any Director accepting an office in any other Bank, shall be deemed to have vacated his place in this Bank. *Sixth*. That for the well ordering of the affairs of the said Corporation, a meeting of the Stockholders shall be held, at such place as they shall direct, on the first Monday in January, annually, and at any other time during the continuance of said Corporation, at such place as shall be

appointed by the President and Directors for the time being, by public notification being given one week previous, at which annual meeting there shall be chosen by Ballot, seven Directors to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions; *that is to say*, for one share one vote, and every two shares above one, shall give a right to one vote more. *Provided*, That no one Member shall have more than ten votes, & absent members shall vote by proxy authorized in writing.

Right of voting.

Seventh. No Director shall be entitled to any emolument for his services; but the Stockholders may make the President such compensation as to them shall appear reasonable.

President to be paid.

Eighth. -- Not less than four Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence; in which case the Directors present may choose a Chairman for the time being in his stead.

Board of Directors.

Ninth. All Bills issued from the Bank aforesaid and signed by the President, shall be binding on said Corporation; but it shall not be lawful for them to issue any Bills of a less denomination than Five Dollars.

Bank Bills.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums & interests of the Bank aforesaid.

Dividends.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, & such Officers for carrying on the business of the Bank, with such salaries, as to them shall seem meet.

SECT. 4. *And be it further Enacted*, That the said Bank shall be kept & established in the Town of Portland aforesaid.

And Whereas it is repugnant to the principles of a free Government, that the property of any of its Citizens should be placed out of the reach of any of their just Creditors:

SECT. 5. *Be it further Enacted*, That the property of every Individual Member of said Corporation, vested in said Corporate Funds, shall be liable to attachment and to the payment and satisfaction of his just debts to any of his *bona fide* Creditors, in manner following, namely, in addition to the summons by Law prescribed to be left with the Debtor, a like summons shall be left with the Cashier of said Bank; and the Debtors share or shares in

Shares liable for debt.

the Corporate funds, together with the interest, rents and profits due or growing thereon, shall thereby be held to respond said suit according to Law. And all Transfers of the Debtors shares in the said Corporate funds not noted in the Bank Books, previous to the delivery of such summons, shall be barred thereby, and execution may be levied on the property of any Stockholder in said Bank, and his shares therein exposed to sale in the same manner as is by Law provided where personal estate is taken by execution: and it shall be the duty of the officer who extends such execution, to leave an attested Copy thereof with his doings thereon with the Cashier of the said Bank; and the purchaser shall thereon be entitled to the reception of all Dividends and Stock, & to the same privileges as a Member of said Corporation, that the Debtor was previously entitled to; and upon any attachment being made, or execution being levied on any share in said Bank, it shall be the duty of the Cashier of said Bank, to expose the Books of said Corporation to the Officer, so far as respects the number of shares said Debtor may own; and to furnish him with a Certificate under his hand in his official Capacity, ascertaining the number of shares the Debtor holds in said Bank, and the amount of the Dividend due thereon.

Legislative
committee may
inspect books.

SECT. 6. *And be it further Enacted*, That any Committee specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said Corporation, and shall have free access to all their books; and if upon such examination it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions & conditions in this Act provided, their Incorporation shall thereupon be declared forfeited and void.

Charter may be
annulled.

First meeting.

SECT. 7. *And be it further Enacted*, That the persons herein before named, or any three of them, are authorized to call a Meeting of the Members and Stockholders of said Corporation, as soon as may be, at such time & place as they may see fit, in Portland, by advertizing the same for three weeks successively in the Oriental Trumpet printed there, for the purpose of making, ordaining and establishing such Bye Laws, Ordinances & Regulations, for the orderly conducting of the affairs of said Corporation, as

the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other Officers as they shall see fit to choose.

SECT. 8. *And be it further Enacted, by the authority aforesaid,* That it shall be the duty of the Directors of the said Bank to transmit to the Governor & Council of this Commonwealth, for the time being, once in twelve months, at least, and as much oftener as they may require, accurate and just statements of the amount of the Capital Stock of said Corporation, and of debts due to the same, of the monies deposited therein, of the Notes in circulation, and of the Cash on hand, which Statements shall be signed by the Directors and attested by the Cashier.

Annual
statements.

Approved June 15, 1799.

1799. — Chapter 5.

[May Session, ch. 4.]

AN ACT TO ENABLE THE PROPRIETORS OF A CERTAIN PEICE OF SALT MARSH, SITUATE IN THE TOWN OF IPSWICH, IN THE COUNTY OF ESSEX, TO MAKE AND MAINTAIN A DIKE FOR THE BETTER IMPROVING THE SAME.

Whereas Nathaniel Wells, Asa Smith, Joshua Smith, Stephen Choate, John Choate, Anstice Cogswell and Jonathan Potter, proprietors of Salt Marsh in Ipswich, containing about sixty acres, lying within the line hereafter described, (Viz.), Beginning at Hovey's Island (so called) from thence runing by said Island Southerly to land of Joshua & Asa Smith, And by said Smith's land southerly, westerly and northerly to land of the Heirs of Francis Cogswell deceased, and by said Cogswell's land Westerly thence Northerly across said Cogswell's Marsh, to and across Marsh of the Honble. Stephen Choate, Esqr. to said Choate's farm, thence Easterly by said Farm to the bounds first mentioned; having requested the General Court to Authorize them to make a Dike, for the purpose of preventing its being flowed by Salt Water, And it appearing to this Court that improv[e]ments might thereby be made in said Marsh to the benefit of the proprietors, as well as the Public:

Boundaries.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same,* That the said Nathaniel Wells and others, proprietors of the Marsh Aforesaid,

Dike author-
ized.

Money to be raised.

Meetings.

Neglect to pay assessment.

Delinquent's property may be sold.

Right of redemption.

their heirs & assigns, be, and they are hereby allowed, and empowered to raise, by an Assessment or Tax to be made and levied on all the Proprietors of said Marsh, lying within the Dike to be made as aforesaid, According to the interest they severally have therein, such sum or sums for defraying the charges of making and maintaining said Dike, as shall be agreed upon by the said proprietors, their heirs and assigns, or the Major part of such of them as shall be assembled at any legal Meeting to be called for that purpose; the Meetings of the said proprietors to be called and conducted in the same manner, as those of common Lands, prescribed by an Act passed the tenth day of March, in the year one thousand seven hundred & eighty four, relating to lands, Wharves, & other real Estate, undivided, and lying in common, and the said proprietors are hereby Authorized and empowered to choose all such Officers, as may be necessary for managing the business aforesaid, in the same manner as proprietors of common lands are by Law empowered to choose officers at their legal Meetings.

SECT. 2D. *And be it further enacted*, That if any proprietors of the said Marsh shall Neglect or refuse to pay the sum or sums of money duly assessed on him therefor, for the space of six months, after such money shall have been granted, and for the space of one month after his Assessment shall have been shewn him, or a Copy thereof left at his Usual place of Abode, then the said proprietors for the purpose of Collecting the monies in such Assessment, are hereby fully empowered, from time to time, at Public Vendue, to Sell and convey so much of such delinquent proprietors part of said Marsh, as will be sufficient to pay and satisfy, the sum or sums assessed upon such delinquent proprietors as aforesaid, and all reasonable charges attending such Sale, to any person that will give the most for the same, Notice of such Sale And of the time & place thereof, being given, by posting an advertisement thereof in some public place in the Town of Ipswich six weeks before the time of such sale; And the said proprietors may, by their Clerk, or a Committee chosen for that purpose, execute a Good Deed or Deeds of conveyance of the part of the said Marsh so sold, unto the purchaser thereof to hold in fee simple. *Provided nevertheless*, That the Proprietor or Proprietors, whose part or share shall be sold as aforesaid, shall have liberty

to redeem the same at any time within one year after such Sale, by paying the sum such part or share sold for, and charges, together with the sum of Six Dollars for every hundred Dollars produced by such Sale, and so in proportion for a greater or less sum.

SECT. 3. *And be it further enacted*, That the said proprietors, hereby are empowered to Order and Manage all affairs relative to the making and maintaining of the Dike aforesaid, in such way and manner, as shall be concluded and agreed on, by the major part of those who are therein interested, present at a legal Meeting; the Votes to be collected according to the Interest of the said Proprietors.

Proprietors
authorized.

Approved June 15, 1799.

1799. — Chapter 6.

[May Session, ch. 7.]

AN ACT TO INCORPORATE WILLIAM BARTLETT AND OTHERS INTO A COMPANY BY THE NAME OF THE NEWBURY-PORT MARINE INSURANCE COMPANY.

SEC. 1. *Be it Enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same*, That the said William Bartlett & others, and all such persons as have already, or hereafter shall, become Stockholders in said Company, being Citizens of the United States, be, and hereby are incorporated into a Company & Body Politic, by the name of the Newbury-Port Marine Insurance Company, for and during the term of Twenty Years after the passing of this Act; and by that name may sue or be sued, plead or be impleaded, appear, prosecute and defend to final Judgment and Execution, and have a Common Seal, which they may alter at pleasure, and may purchase, hold and convey any Estate, real or personal, for the use of said Company, subject to the restrictions hereinafter mentioned.

Corporate
Name.

Privileges, &c.

SEC. 2. *And be it further Enacted by the authority aforesaid*, That a Share in the Capital Stock of the said Company shall be Five hundred Dollars, and the number of shares shall not be less than Two hundred nor more than Eight hundred. And if the said number of shares are not already filled, Subscriptions shall be kept open, under Inspection of the President and Directors of the said Company, untill the same shall be filled. And the

Shares.

Capital.

whole Capital Stock, Estate or property, which the said Company shall be authorized to hold, shall never exceed Four Hundred Thousand Dollars, exclusive of Premium Notes or Profits arising from said business, of which Capital Stock or Property Fifteen Thousand Dollars only shall be invested in Real Estate.

Directors.

SEC. 3. *And be it further Enacted*, That the Stock, Property, Affairs and Concerns of the said Company shall be managed and conducted by twelve Directors, one of whom shall be the President thereof, who shall hold their offices for one year, and until a new choice be made, and no longer; which Directors shall, at the time of their election, be Stockholders and Citizens of this Commonwealth, and shall be elected on the first Monday in January in each and every year, at such times of the day, & at such place, in the Town of Newbury Port, as the Directors, for the time being, shall appoint; of which election public notice shall be given in the Newspaper or Newspapers printed in the Town of Newbury Port and in one of the Newspapers printed in the Town of Boston, and continued for the space of ten days immediately preceding such election. And such election shall be holden under the inspection of three Stockholders, not being Directors, to be appointed previous to every election by the Directors, and shall be made by Ballot, by a majority of votes of the Stockholders present, allowing one vote to each share in the Capital Stock; *provided* that no Stockholder shall be allowed more than ten votes. And the Stockholders not present, may vote by proxy, under such regulations as the said Company shall prescribe; and if, by reason of any unavoidable accident, the said Directors should not be chosen on the first Monday of January, as aforesaid, it shall be lawful to choose them on another day in manner herein prescribed.

President.

SEC. 4. *And be it further Enacted*, That the Directors so chosen, shall meet as soon as may be after every election, and shall choose out of their Body one Person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his Office; and in case of the death or resignation of the President or any Director, or of his or their inability to serve, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be holden in the same manner as is herein before

directed respecting annual Elections for Directors and President.

SEC. 5. *And be it further Enacted*, That the President and six of the Directors, or seven of the Directors in the absence of the President, shall be a Board competent for the transaction of business, and all questions before them shall be decided by a majority of votes ; and they shall have power to make and prescribe such Bye Laws, Rules and Regulations, as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of said Company, and the Transfer of Shares, and touching the duties and conduct of the several Officers, Clerks & Servants employed, and the election of Directors and all such matters as appertain to the business of Insurance ; and shall also have power to appoint a Secretary and so many Clerks and servants, for carrying on the said business, and with such salaries and allowances to them & to the President, as to the said Board shall seem meet : *Provided*, That such Bye-Laws, Rules and Regulations shall not be repugnant to the Constitution or Laws of this Commonwealth.

Board of Directors.

Secretary, &c.

Proviso.

SEC. 6. *And be it further Enacted*, That there shall be stated Meetings of the Directors, at least once in every Month, and as often within each Month as the President and Board of Directors shall deem proper ; and the President, and a Committee of three of the Directors, to be by him appointed, in rotation, shall assemble daily, if need be, for the dispatch of business ; & the said Board of Directors, and the Committee aforesaid, at and during the pleasure of said Board, shall have power and authority, on behalf of the Company, to make Insurance upon Vessels, Goods, Effects & Freight, and against Captivity of Persons, and on the life of any Person or Persons during his or their absence by Sea, and in cases of money lent upon Bottomry and Respondentia, and to fix the Premiums and terms of Payment. And all Policies of Insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force as if under the Seal of said Company ; and the assured may thereupon maintain an Action upon the case against the said Company ; and all Losses, duly arising under any Policy

Directors authorized to make insurance.

Signing of policies.

so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Dividends.

SEC. 7. *And be it further Enacted*, That it shall be the duty of the Directors, on the second Monday of June and December in every Year, to make Dividends of so much of the interest arising from their Capital Stock and the profits of the said Company as to them shall appear adviseable; but the Monies received and Notes taken for Premiums on Risques, which shall be undetermined & outstanding at the time of making such Dividends, shall not be considered as part of the profits of the Company. And in case of any Loss or Losses, whereby the Capital Stock of the Company shall be lessened, each Proprietor or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares at the time of said Loss or Losses taking place, to be paid in to the said Company by Assessments, or such other mode at such time or times as the Directors shall order; and no subsequent Dividend shall be made until a sum equal to such diminution shall have been added to the Capital: and that once in every three years, and oftener, if required, by a majority of the Votes of the Stockholders, the Directors shall lay before the Stockholders, at a general Meeting, an exact and particular Statement of the profits, if any there be, after deducting Losses and Dividends.

Capital to be kept good.

Triennial statement to be made to the stockholders.

Company not to trade.

Investment of capital.

SEC. 8. *And be it further Enacted*, That the said Company shall not directly nor indirectly deal or trade in buying or selling any Goods, Wares, Merchandizes or Commodities whatsoever. And the Capital Stock of said Company after being collected at each Instalment, shall be invested either in the Funded Debt of the United States, or of this Commonwealth, or in the Stock of the United States Bank, or of any Incorporated Bank in this Commonwealth, in either or all of them, and in such proportions as may be most for the Interest of said Company, at the discretion of the President and Directors of said Company, or of such other person or persons as said Stockholders shall for such purpose, at any meeting, appoint.

Period in which shares are to be paid for.

SEC. 9. *And be it further Enacted*, That One Hundred & Fifty Dollars on each share in said Company, shall be paid within twenty days after the first Meeting of said Company, and the remaining sum due on each share,

within one Year after said Meeting, at such equal Installments, and under such penalties, as the said Company shall direct. And no Transfer of any Share in said Company, shall be permitted, or be valid, untill all the Installments on such share shall have been paid.

SEC. 10. *And be it further Enacted* That no person, being, either singly or as a partner with one or more persons, a Member of any other Company carrying on the Business of Marine Insurance in said Newbury-Port, shall be eligible as a Director of the Company by this Act established.

Members of other companies not eligible as directors.

SEC. 11. *And be it further Enacted by the authority aforesaid*, That the property of any Member of said Company, vested in the Stock of said Company, shall be liable to attachment and to the payment and satisfaction of his just Debts to any of his *bona fide* Creditors, in manner following, viz. In addition to the Summons, by Law prescribed to be left with the Defendant, a like Summons shall be left with the Secretary of said Company; and the Debtor's share in the said Company's Funds, together with the Interest & profits due or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond the Judgment which may be recovered in said Suit according to Law. And all Transfers of the Debtors shares, not noted in the Books of the Company previous to the delivery of such Summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Company and his share or shares therein, exposed to sale in the same manner as is by Law prescribed where personal estate is taken in Execution. And it shall be the duty of the Officer who extends such execution, to leave an attested Copy thereof, with his doings thereon, with the Secretary of said Company; and the Purchaser shall thereupon be entitled to the said debtor's share or shares in said Stock, and the Reception of all Dividends and Profits which the Debtor was previously entitled to; and upon any attachment being made or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company to expose the books of the Company to the Officer, and to furnish him with a Certificate under his hand, in his official Capacity, ascertaining the number of shares the Debtor holds in said Company, and the amount of the Dividends thereon due.

Shares liable for debt.

Process.

Secretary to shew the books.

President's and
Directors'
Estates liable
in certain case.

SEC. 12. *And be it further Enacted*, That in case any Loss or losses shall take place, which shall be equal to the amount of the Capital Stock of the said Company, and the President or Directors, after knowing such loss or losses, shall subscribe to any policy of Insurance, their estates, jointly and severally, shall be accountable for the amount of any and every loss that shall take place under Policies thus subscribed.

Amount of
stock, &c. to
be advertised.

SEC. 13. *And be it further Enacted*, That the President and Directors of said Company, shall, previous to their subscribing any Policy, & once in every Year after, publish in the Newspaper or Newspapers printed in said Town of Newbury Port, and in one of the Boston Newspapers, the amount of their Stock, against what Risques they mean to insure, and the largest sum they mean to take on any one Risque.

Statement to be
made to the
legislature.

SEC. 14. *And be it further Enacted* that the President and Directors of said Company, shall, when and as often as required by the Legislature of this Commonwealth, lay before them a Statement of the affairs of said Company, and submit to an examination concerning the same under Oath.

First meeting.

SEC. 15. *And be it further Enacted*, That William Bartlett, Ebenezer Stocker and Richard Pike, or any two of them, are hereby authorized to call a Meeting of the Members of said Company, as soon as may be, in Newbury Port, by advertizing the same for three weeks successively in the Newspaper or Newspapers printed in said Newbury Port, and in one of the Boston Newspapers, for the purpose of their electing a first Board of Directors, who shall continue in office untill the first Monday in January, one thousand & eight hundred.

Approved June 18, 1799.

1799.—Chapter 7.

[May Session, ch. 6.]

AN ACT AUTHORIZING THE COURTS OF GENERAL SESSIONS OF THE PEACE, TO LIBERATE POOR CONVICTS FROM PRISON, AND TO DISPOSE OF THEM IN SERVICE FOR PAYMENT OF COSTS OF PROSECUTION.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of

the same, That where there has been any person convicted for any crime, either in the Supreme Judicial Court, or any Court of General Sessions of the Peace, who has been imprisoned three months for costs of prosecution only, the Court of General Sessions of the Peace for the County where the person has been imprisoned, may order the Sheriff to dispose of such Convict in service to any person whomsoever, for a term not exceeding two years, for payment of the costs for which he has been imprisoned, as aforesaid; and if such disposal cannot be made, the same Court may order the Sheriff to liberate such Convict on such terms or on such conditions as they may think most beneficial to the Commonwealth and County. And the said Courts of General Sessions of the Peace may, at any Session hereafter, on motion as aforesaid, order the Sheriff of their respective Counties to liberate any Convict in such County, in manner as aforesaid, after his having been imprisoned three months for costs as aforesaid. *Provided nevertheless*, That the consent of all Convicts imprisoned as aforesaid, prior to the passing of this Act, shall be first had for such sale or disposal. And where the costs aforesaid are not obtained by means of the liberation, they shall be paid as is provided by Law for the payment of costs, where there is no conviction. And the several Sheriffs are hereby required duly to execute the aforesaid orders, and to make return of their doings therein to the respective Courts.

Convicts who have been confined three months for costs may be disposed of in service.

Consent of convicts to be first obtained.

Approved June 18, 1799.

1799. — Chapter 8.

[May Session, ch. 8.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS AND COMPANY OF THE ESSEX BANK.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled & by the Authority of the same*, That William Gray junr., George Dodge, Jacob Ashton, John Norris, William Orne, & Joseph White & their Associates, partners in the Company now known by the name of the President, Directors and Company of the Essex Bank, their successors & assigns, shall be & hereby are created & made a Corporation, by the name of the President, Directors and Com-

Persons incorporated.

Limitation.	pany of the Essex Bank, and shall so continue from the first day of July next, untill the expiration of twenty years next following; and by that name shall be & hereby are made capable in law, to sue & be sued, plead & be impleaded, defend & be defended, in any Courts of Record or any other place whatever; & also to make, have & use a common seal, & the same again at pleasure to break, alter, & renew; & also to ordain, establish, & put in execution, such bye-laws, ordinances & regulations, as to them shall appear necessary and convenient for the Government of said Corporation, and the prudent management of their affairs; <i>provided</i> such bye-laws, ordinances, & regulations, shall in nowise be contrary to the laws & constitution of this Commonwealth; & the said Corporation shall be always subject to the Rules, restrictions, limitations, and provisions herein prescribed.
Bye-Laws, &c. authorized.	
Capital.	SECT. 2. <i>And be it further enacted</i> , that the Capital Stock of said Corporation shall consist of a Sum not less than One hundred thousand dollars, nor more than four hundred thousand dollars, in specie, and shall be divided
Shares.	into shares of five hundred dollars each; And the stockholders at their first meeting shall by a Majority of Votes determine the Amount of the payments to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the Stock and profits thereof; which being entered in the books of said Corporation shall be binding on the Stockholders, their successors and assigns; <i>provided</i> that no Stockholder shall be allowed to borrow at said Bank untill he shall have paid in his full proportion of said One hundred
Delinquent stockholders not allowed to borrow.	thousand dollars, at least. And said Corporation are hereby made capable in law to have, hold, purchase, and receive, possess, enjoy, and retain, to them, their successors and assigns, lands, rents, tenements, and hereditaments to the amount of twenty thousand dollars and no more, at any one time, with power to bargain, sell, and dispose of, the same lands, tenements, and hereditaments, and to loan and negotiate their monies and effects, by discounting on banking principles, on such Security as they shall think advisable. <i>Provided however</i> , that nothing herein contained shall restrain or prevent said Corporation from taking and holding real Estate in Mortgage to any amount, as collateral security for the payment of any debt due to said Corporation.
Real estate may be held.	
Proviso.	

SECT. 3. *And be it further enacted*, That the following rules limitations, and provisions shall form and be the fundamental Articles of said Corporation.

First—that the said Corporation shall not issue and have in circulation, at any one time, Bills, notes, or obligations, to a greater amount than twice their stock actually paid in, in addition to the simple amount of all the monies deposited in said Bank for safe keeping; and in case of any excess, the Directors, under whose Administration it may happen, shall be liable for the payment of the same in their private Capacity; but this shall not be construed to exempt said Corporation, or any Estate real or personal which they may hold as a body corporate, from being also liable for, and chargeable with, such excess. Indebtedness limited.

Second That the said Corporation shall not vest, use, or improve, any of their monies, goods, Chattels, or effects, in trade or commerce; but may Sell all kinds of personal pledges lodged in their hands, by way of security, to an amount, sufficient to reimburse the sum loaned. Company not to trade.

Third, that the lands tenements and hereditaments which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business. Real Estate.

Fourth none but a member of said Corporation being a Citizen of this Commonwealth & resident therein, shall be eligible for a Director; & the Directors shall choose one of their own number to act as President. The Cashier before he enters on the duties of his Office, shall give bond, with two sureties to the satisfaction of the Board of Directors, in a sum not less than ten thousand Dollars, with condition for the faithfull discharge of the duties of his office. Directors.
President.
Cashier.

Fifth, No director of any other Bank shall be eligible to the Office of Director of this Bank, although he may be a Stockholder herein; & any director accepting an office in any other Bank shall be deemed to have vacated his place in this Bank. Officers of other banks not eligible as Directors.

Sixth, That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held, at such place as they shall direct, on the first Monday in June annually, & at any other time during the continuance of said Corporation at such place as shall be appointed by the President & Directors for the time being by public Annual meeting directed.

Directors to be chosen. notification given, one week previous thereto; at which annual meeting there shall be chosen by ballot seven Directors to continue in Office the year ensuing their election; & the number of votes to which each Stockholder shall be entitled, shall be according to the number of Shares he shall hold, in the following proportions, that is to say, — for one share, one vote & every two shares above one shall give a right to one Vote more, *provided* no one member shall have more than ten Votes; and absent members may vote by proxy, being authorized in writing.

Right of voting.

President to be compensated. *Seventh* No Director shall be entitled to any emolument for his services, but the Stockholders may make the President such compensation as to them shall appear reasonable.

Board of Directors. *Eighth* Not less than four Directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose a Chairman for the time being in his stead.

Bank Bills. *Ninth.* All Bills issued from the Bank aforesaid, and signed by the President shall be binding on said Corporation, but it shall not be lawful for them to issue any bills of a less denomination than five dollars.

Dividends. *Tenth,* The Directors shall make half yearly dividends of all the profits, rents, premiums, & interest of the Bank aforesaid.

Officers. *Eleventh,* The Directors shall have power to appoint a Cashier, Clerks, and such Officers, for carrying on the business of the Bank, with such salaries as to them shall seem meet.

SECT. 4. *And be it further enacted,* That the said Bank shall be established & kept in the Town of Salem aforesaid.

And whereas it is repugnant to the principles of a free Government, that the property of any of its citizens should be placed out of the reach of any of their just Creditors.

Shares liable for debt. SECT. 5. *Be it further enacted,* That the Property of every individual Member of said Corporation vested in said Corporate funds shall be liable to attachment, & to the payment & satisfaction of his just debts to any of his *bona fide* creditors, in manner following, namely, in addition to the Summons by law prescribed, to be left with the debtor, a like Summons shall be left with the Cashier

Process.

of said Bank, and the debtors share or shares in the corporate funds, together with the Interest, rents, and profits, due, or growing due thereon, shall thereby be held to respond said suit according to law; and all transfers of the Debtors Shares in the said Corporate funds, not noted in the Bank books previously to the delivery of such Summons shall be barred there by; and execution may be levied on the property of any Stockholder in said Bank, & his shares therein exposed to Sale, in the same manner as is by law provided, where personal estate is taken in execution; and it shall be the duty of the Officer who extends such execution to leave an attested Copy thereof, with his doings thereon, with the Cashier of said Bank; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privilege as a member of said Corporation, that the debtor was previously entitled to; and upon any attachment being made, or execution levied on any share in said Bank it shall be the duty of the Cashier of said Bank, to expose the Books of said Corporation, to the Officer, so far as respects the number of shares said debtor may own; and to furnish him with a certificate under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividend thereon due.

SECT. 6. *And be it further enacted*, that any committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, & shall have free access to all their Books, & if upon such examination, it shall be found, & after a full hearing of said Corporation thereon, be determined by the Legislature that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions, & conditions, in this Act provided, their incorporation shall thereupon be declared forfeited & void.

Legislative committee may have access to books.

Corporation may be dissolved.

SECT. 7. *And be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the members & Stockholders of said Corporation, as soon as may be, at such time & Place as they may see fit, by advertizing the same for three weeks successively in the Salem Gazette, for the purpose of making, ordaining & establishing such bye-Laws, ordinances & regulations, for the orderly conducting the affairs

First meeting.

of said Corporation, as the said Stockholders shall deem necessary, & for the choice of the first board of Directors, & such other Officers as they shall see fit to choose.

Annual statement directed.

SECT. 8. *And be it further enacted*, That it shall be the duty of the Directors of said Bank to transmit to the Governor & Council of this Commonwealth for the time being, once in twelve months, at least, & as much oftner as they may require accurate & just Statements of the amount of the Capital Stock of said Corporation & of debts due to the same, of the monies deposited therein; of the notes in circulation, & of the cash on hand, which statements shall be signed by the directors, & attested by the Cashier.

Approved June 18, 1799.

1799. — Chapter 9.

[May Session, ch. 10.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO INCORPORATE A NUMBER OF INHABITANTS IN THE COUNTY OF BERKSHIRE INTO A RELIGIOUS SOCIETY BY THE NAME OF THE FIRST BAPTIST SOCIETY IN THE TOWN OF SANDISFIELD."

SECT. 1. *Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same*, — That if any person belonging to either of the Towns of Sandisfield, Tyringham, or New Marlborough, in the County of Berkshire, being of the Baptist denomination, shall unite in Religious Worship with said Society, & shall leave a certificate signed by the Minister, or Clerk thereof, with the Clerk of the Religious Society to which he belongs, fourteen days previous to the annual meeting of said Religious Society to be holden in the months of March or April that he has actually become a Member of, & united with said Baptist Society, such person shall, from & after giving such certificate, be considered, together with his polls & Estate as belonging to said Baptist Society; *provided however*, that such person shall pay his proportion of all monies that shall have been previously voted in the Society to which he belongs.

Residents of Tyringham or New Marlborough may join Society.

Mode of leaving Society.

SECT. 2. *Be it further enacted*, that when any person belonging to said Baptist Society, shall see cause to leave the same & unite with any other Religious Society, & shall leave with the Clerk of said Baptist Society a certificate of the same, signed by the Minister or Clerk of the Parish, or other incorporated Religious Society with

which he has united, fourteen days previous to the Annual Meeting of said Baptist Society in the months of March or April, & shall pay his proportion of all Monies that shall have been previously voted therein, shall be considered, together with his Polls & Estate, as belonging to the Society to which he has so United.

Approved June 20, 1799.

1799. — Chapter 10.

[May Session, ch. 9.]

AN ACT TO EMPOWER THE TOWN OF BOSTON TO CHOOSE A BOARD OF HEALTH, AND FOR REMOVING AND PREVENTING NUISANCES.

SEC. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same,* That the Freeholders and other Inhabitants of the Town of Boston, qualified to vote for Town Officers, shall on the first Wednesday of April annually, meet in their respective Wards at such time and place as may be appointed by the present & succeeding Boards of Health of said Town, & published in two of the Newspapers printed in said Town, seven days previously to the time of Meeting, and choose one able and discreet person, who shall be a Freeholder & Resident within the Ward for which he shall be chosen to be a Member of a Board of Health, which shall consist of one person from each Ward, chosen by a majority of the Voters present & by ballot. And the Members of the Board of Health for the time being shall preside each in his respective Ward at such meetings; and on the neglect of either of them, a Committee chosen by the Ward shall preside, until a Clerk is chosen by a majority of the Voters present, whose duty it shall be to preside at future Meetings of said Ward for the ensuing Year, to call for the Votes, receive, count and declare the same in open Meeting. And in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected; at whose dwelling House the Clerk shall on the same day leave a written Notification of his being chosen as aforesaid; and upon his refusal or non-acceptance within four days after notice as aforesaid, the Clerk shall summon a new Meeting of the Inhabitants of his Ward, at a time and place to be specified in two of the Newspapers aforesaid, three days at least before the intended Meeting.

Members to be
chosen an-
nually.

Existing mem-
bers to preside
at the annual
meetings.

Proviso.

The Board to be informed of persons chosen.

Privileges.

Existing President to officiate till new Board is organized.

Secretary to be sworn.

Records may be used as evidence.

Nuisances to be examined into.

Provided however, in case of the refusal of the Person chosen at the time he is elected, the Ward may forthwith proceed to a new choice. And upon the acceptance of the person chosen, it shall be the duty of the said Clerk within twenty four hours after the same, to notify the choice to the President of the Board of Health for the time being, and the said Board are hereby authorized to continue their functions until a Secretary for their Successors shall be chosen & sworn. And the Members of the Board of Health, so long as they act in that capacity, shall be exempted from all the services and duties from which the Selectmen and Overseers of the Poor of the Town aforesaid, are or may be exempted.

SEC. 2. *And be it further Enacted by the authority aforesaid*, That the President of the Board of Health for the time being, or in his absence the eldest Member thereof present, shall, within five days after the returns made to him by two thirds of the Clerks aforesaid, in case two thirds of said Members shall be chosen, notify the new Members returned and chosen, to meet at the usual place of the Meeting of the said Board, and shall at such Meeting preside until a President and Secretary is chosen for the new Board. And he is hereby authorized to administer to such Secretary, an Oath to make a faithful Record of all the votes, proceedings and regulations of the said Board and faithfully perform the duties of his said Office during his continuance therein ; which Oath shall be entered, & subscribed on the Records of the Board, and attested by the person who shall administer the same. And the said President or eldest Member shall then deliver over to such Secretary, the Books, Records and other Papers of the said Board of Health. And the Records & Proceedings of the said Board may be given in evidence touching any matter in dispute, between the Members of the same, their Agents & Servants, & any other person or persons.

SEC. 3. *And be it further Enacted*, That it shall be the duty of the said Board or of any Member thereof, to examine into all nuisances, and such sources of Filth, as may be injurious to the health of the Inhabitants of said Town, whether the same shall proceed from stagnant Waters, Cellars, Drains, Common-Sewers, Slaughter-houses, Tan-yards, Fish, Fish-houses, Fishing boats, Fish boxes, Oysters, Oyster boats, Hogs, Hog-sties, Docks,

Necessaries, Livery and other Stables, Putrid animal and vegetable substances, Vessels, Scows, or Boats, or any other cause of any nature or kind whatsoever, which in their Opinion may be injurious to the health of the Inhabitants aforesaid, and the same to destroy or remove, as the case may require. And the said Board or a Majority of them are hereby fully authorized and empowered from time to time to make such rules and regulations to have effect within the limits of said Town as to them shall appear necessary to remove and prevent the aforesaid nuisances and Sources of Filth. And the said Members or any two of them, shall have power, having first obtained a Warrant from a Justice of the Peace in due form of Law, predicated upon a Complaint under Oath, directed to the Sheriff of said County or his Deputy, forcibly to enter and search all Houses, Stores, Cellars, Vessels and Boats, between the hours of Sunrise and Sunset, where they may have just cause to suspect any of the aforesaid Nuisances or Sources of Filth to exist, and the same to remove or destroy as the case may require.

Rules to be established.

Forcible entry may be made.

Provided however, That no Sheriff or Deputy Sheriff shall execute any civil process, either by arresting the body or attaching the Goods and Chattels of any person or persons under color of any entry made for the purposes aforesaid, unless such service could by Law have been made without such entry; and all services so made under colour of such entry, shall be utterly void; and the Officer making such service, shall be considered as a Trespasser to all intents *ab initio*. And any person or persons, who shall resist such search, shall forfeit and pay the sum of, not more than One hundred, nor less than twenty Dollars, to be recovered in manner hereinafter provided. And it shall be the duty of the Board of Health, or any two of them, upon discovering any of the nuisances aforesaid, or other Sources of Filth injurious to the health of the said Inhabitants, to cause the same to be removed; and the person or persons in whose possession the same was found, shall forfeit and pay the sum of Ten Dollars, and the costs of Removal; and any Justice of the Peace within said Town, upon complaint made to him on Oath by one or more Members of the said Board, briefly therein stating the Facts, together with the costs of such removal, shall issue his Warrant thereupon, directed to the Sheriff of the County of Suffolk, his Deputy or any Constable of said

No civil process to be executed by any officer at such entry.

Penalty for resistance.

Nuisances to be removed.

Process for recovery of penalty.

Town, commanding him to notify the person or persons in whose possession or upon whose estate such nuisance or other source of Filth aforesaid was found, his or their Agent or Agents, Attorney or Attorneys respectively, forthwith to appear before such Justice; and if such person or persons after the service and return of said Warrant, shall neglect to appear as aforesaid, or appearing shall not shew cause to the satisfaction of the Justice why Judgment should not be rendered against him or them for the fine of Ten Dollars herein beforementioned, and for all the costs of Removal as aforesaid, then the said Justice shall render Judgment against such person or persons for the said fine, costs of removal and double costs of prosecution, notwithstanding the said Fine and costs of removal may exceed the sum of Thirteen Dollars, thirty four cents; and the said Justice shall thereupon issue his Warrant of Distress, directed as aforesaid, commanding the Officer to whom it may be directed, to levy the sums therein mentioned, with the expences of levying together with his own fees upon the Goods & estate; and for want thereof upon the body of such person or persons; and any party aggrieved at any Judgment that may be rendered upon such complaint, may Appeal to the Court of General Sessions of the Peace, next to be holden within & for said County, & shall before his Appeal is granted recognize in such reasonable sum as the Justice shall order, with sufficient surety or sureties to prosecute his Appeal, & shall be held to produce, at the Court appealed to, copies of the whole process, the said Appeal to be claimed on the day of rendering Judgment as aforesaid; & the said Court shall proceed to hear & try said cause with, or without the intervention of a Jury, as the case may require, & shall render such Judgment, & issue such warrant of distress as a Justice of the Peace within the Town aforesaid is hereby authorized to do, & no Appeal from the Judgment of said Court shall be allowed.

Appeal allowed.

SEC. 4TH. *And be it further enacted by the authority aforesaid*, that any person or persons who shall disobey, or violate the rules and regulations of said Board, that shall be made as aforesaid, after the expiration of three days from the publication of the same in two of the News papers aforesaid, shall forfeit and pay the Sum of Five Dollars to be sued for and recovered in the manner pointed out in the foregoing Section.

Penalty for disobeying rules, &c.

SEC. 5TH. *And be it further enacted*, that any person, who shall offer for sale in the Town of Boston or who shall have in his possession any tainted, or putrid salted meat, or pickled fish, which shall be so deemed by any two Members of the said Board upon conviction thereof, in manner last mentioned, shall forfeit and pay the sum of two Dollars for each, and every such Barrel by him so offered for sale, or found in his possession: And it shall be the duty of every licenced packer of provisions and pickled fish within said Town, forthwith to give information to the said Board, or some member thereof, of any such meat or fish, that shall come to his knowledge, and every packer of salted provisions throughout this Commonwealth, is hereby prohibited from repacking any such meat, or fish, that shall be putrid, or tainted; and no salted meat, or fish shall be hereafter repacked within said Town of Boston, between the fifteenth day of June, and the first day of October, unless upon some Island, and with the permission in writting of the Board aforesaid or any three of them: And every packer aforesaid, who shall neglect to give information as aforesaid, or who shall repack as aforesaid, contrary to the true intent, and meaning of this act, shall upon conviction thereof in manner aforesaid forfeit and pay for each and every Barrel containing meat or fish, tainted or putrid, which he shall so neglect to give information of, the sum of three Dollars, and for each and every Barrel so repacked the sum of Four Dollars: And the said packers within said Town shall be sworn before the said Board, or any member thereof, and the packers in the other Towns in this Commonwealth, before the Clerks of their respective Towns, faithfully to discharge their duty as packers of salted meat and provisions according to the true intent and meaning hereof: And the said Board, and the respective Members thereof, and the several Clerks of said Towns are hereby severally empowered to administer said Oath: And the packers aforesaid, and every of them, who shall neglect to take the said Oath as soon as may be after passing this act, and who shall neglect to mention in each certificate by him issued after taking said oath, his having been sworn as aforesaid, shall be liable to be removed from his office of packer aforesaid on complaint made to the Governor and Council, and shall be disqualified from executing or performing the office, or employment of a

For possessing
tainted meat,
&c.

Packers to give
information.

Meat not to be
repacked in
Boston within
certain dates.

Packers to be
sworn.

packer as aforesaid for the space of three Years then next coming.

Untanned
hides.

SEC. 6TH. *And be it further enacted*, that no untanned hides shall hereafter be stored or kept in the Town of Boston between the first day of May, and the first day of December, and that all such hides found in said Town within the time so prohibited, shall be forfeited, unless removed without the limits of said Town, by the owner, or possessor thereof, within twenty four hours after notice given him by any member of said Board, and such hides so forfeited, shall and may be seized by any two of the said Board of Health, and shall and may be libelled and tried in the same way and manner, and by the same process as is provided for the trial of Gunpowder seized according to Law.

Throwing filth
into docks, and
landing sus-
pected clothes,
prohibited.

SEC. 7TH. *And be it further enacted*, that all masters of Vessels, or other persons being on board the same, who shall throw, or suffer to be thrown into any of the docks of said Town without permission from the board of Health, any filth, or sweepings of Vessel's holds, or land, or suffer to be landed, any suspected cloaths or bedding, or in any wise contravene the rules and regulations of said Board, that may be made as aforesaid, contrary to the true intent and meaning of this act shall severally forfeit and pay for every such offence not more than thirteen nor less than five dollars, according to the nature and aggravation of the offence to be sued for and recovered in manner pointed out in the third section of this act.

The Board may
direct quaran-
tine.

SEC. 8. *And be it further enacted by the authority aforesaid*, that whenever it shall appear to the said Board of Health, that the safety of the inhabitants of the Town of Boston requires that any Vessel or Vessels which shall arrive within the Harbour of Boston from any port, or place should perform quarantine, the said Board are hereby required and empowered to cause such Vessel or Vessels to [to] perform quarantine under such restrictions, regulations, and qualifications, as they may judge expedient, and any owner, master, supercargo, officer, seaman, consignee, or other person who shall neglect or refuse to obey the directions, rules, regulations, restrictions, and qualifications of the said Board of Health, respecting said quarantine, and shall be thereof convicted upon indictment or information before the supreme judicial Court, or Court of General Sessions of the peace, held in the said County

of Suffolk, shall be fined a sum not exceeding Five hundred Dollars, or be imprisoned for a term of time not exceeding six months, or both at the discretion of the Court having cognizance of such offence.

Penalty for
breach of
quarantine.

SEC. 9TH. *And be it further enacted*, that whenever the said Board of Health shall think it necessary to order all Vessels, which shall or may arrive at the said Port of Boston from any particular port, or ports to perform quarantine, and shall give notice of such order to the Pilots of the said port of Boston, it shall be the duty of such pilots to make known the said order to the Captains or masters of all Vessels, which they shall board, and if any pilot after notice given to him as aforesaid shall neglect to make known the said order, or shall pilot any Vessel to any place in the Harbour of Boston, except to Rainsford's Island, he shall forfeit and lose his branch, and shall be disqualified from doing and performing the duty of a Pilot for the term of twelve Months then next ensuing.

Pilots directed.

SECT. 10. *And be it further enacted*, that any master or commander of any Vessel who shall enter the said harbour of Boston with his said Vessel after notice given to him by any Person or Persons whomsoever that a Quarantine has been directed by the said Board of Health for all Vessels coming from the Port or Place from which such Master or commander shall have arrived, or who shall falsely or fraudulently attempt to elude the directions of the said Board of Health by false and unfounded declarations, of the Port or Place from whence he came, or who shall land or suffer to be landed from his Vessel any person or persons, or goods apparrell, bedding or Merchandize, whatsoever without the permission of the said Board of Health, every such Master or Commander, shall upon conviction thereof in manner & form pointed out in the eight[h] Section of this Act forfeit & pay a sum not exceeding Five hundred dollars or suffer imprisonment for a term not exceeding six Months or both, at the discretion of the Court having cognizance of such Offence.

Penalty for
evading quaran-
tine orders.

SECT. 11. *And be it further enacted* that every keeper of a Boarding or Lodging house, within the Town of Boston between the first day of May, and the first day of November in each year, shall within twelve hours after any Sea faring man or other lodger[s] becomes sick in such boarding or lodging house, within the Town of Boston

Keepers of
lodging houses
directed.

Masters of vessels not to remove sick without permission.

report in writing the name of such diseased person to the board of health, or to a Member of said Board, & the nature of his disorder, & no master of a Vessel shall remove any sick or diseased person from any vessel lying at any of the wharves within the harbour of Boston before the name of such sick person has been reported to the Board of health or a Member thereof, & a written permit obtained from at least two of them authorizing such removal, which permit shall express the time, place and manner of such removal. And every person whether keepers of boarding or lodging houses, or Masters of Vessels, who shall refuse or neglect to comply with either of the aforesaid directions shall on conviction before the Court of General Sessions of the Peace in said County, forfeit & pay a fine not exceeding One hundred Dollars or suffer imprisonment, not exceeding two months, or both at the discretion of said Court.

Physician authorized.

SECT. 12. *And be it further enacted* that whenever the visiting Physician of the said Board of health, shall think it necessary that any Vessel should be purified & cleansed, and perform quarantine, he shall direct the Master or Commander of such Vessel to proceed to anchor near Rainsford's Island within the outer Harbour of Boston for the purpose of purification & it shall be the duty of said Physician to apply to the Board of health to direct the time & manner in which said Purification shall take place, & the expences thereof shall be defrayed by the Master, Commander, owner or consignee of every such Vessel to be recovered by an Action of the case in the name of the President of the said Board of Health. And each & every Master, Commander, owner, or consignee, of every such Vessel, who shall neglect or refuse to comply with such directions, shall on conviction thereof before the Court of General Sessions of the Peace be fined not exceeding One thousand Dollars, or suffer imprisonment for a term not exceeding six months or both at the discretion of the Court.

Penalty for disobeying the physician.

Maintenance of diseased persons.

SECT. 13. *And be it further enacted* that every diseased mariner or other person sent to Rainsford's Island by the said Board of health, shall be there kept & maintained at his or their own cost & expence, or his or their parents or masters (if able) otherwise at the charge of the town or place to which they belong, and in case such person or persons have no legal settlement in any Town or

Place, within this State, then at the charge of this Commonwealth; & every person sent to Rainsford's Island for the purpose of purification as aforesaid by the said Board of Health shall be subject to the same restrictions as are provided by the 7th Section of an Act of this Commonwealth passed the Twenty second day of June, One thousand seven hundred & ninety seven, entitled "An Act to prevent the spreading of contagious Sickness."

SECT. 14. *And be it further enacted*, that the Board of Health for the Town of Boston, shall provide at the expense of said Town a suitable number of red flags of two yards at least in length, and whenever they shall order a Vessel or Vessels to Rainsford's Island for the purpose of purification, they shall direct the keeper of said Island to hoist on a flagstaff to be erected for the purpose one of said Flags, & the Master of every Vessel ordered there to perform quarantine, shall hoist one of said flags on the head of the main mast, there to be kept during the day time, so long as said vessel or vessels shall remain at said Island for the purpose of purification & during the time that any vessel is performing quarantine, no person shall go on board thereof, except those employed by or under the Board of health, nor shall any person go within a line to be designated upon the Land on Rainsford's Island and every person who shall transgress in either of these cases, shall be considered as contaminated with infection and held to undergo purification in the same manner, & under the same regulations & restrictions as those performing Quarantine on said Island, & shall there remain untill discharged by the visiting Physician, & the said Physician, or the keeper of the said Island, or any person employed thereon may forcibly detain him for the purpose aforesaid.

Red flags to be provided.

Persons not to go on board vessels riding quarantine, &c.

SECT. 15. *And be it further enacted*, that if any Ship or vessel subject to Quarantine, shall pass by the Castle, & enter within the inner harbour of Boston it shall be the duty of the Board of Health for said Town or any two of them to order the master of the said Vessel to proceed forthwith, with her crew, passengers & cargo, to Rainsford's Island, and in case the said Master, shall refuse or neglect so to do for the space of one hour after said order, he shall on conviction before the Supreme Judicial Court, or Court of General Sessions of the Peace in said County, forfeit & pay a fine not exceeding One thousand dollars or suffer

Vessels subject to quarantine passing the Castle to be sent back.

Force may be used.

Pilots to give assistance under penalty.

Certain powers transferred from the Selectmen to the Board of Health.

Board to appoint visiting physician.

Scavengers.

Board to draw upon the Town Treasurer.

imprisonment not exceeding six months, or both at the discretion of the Court & the said Board of Health on any neglect or refusal as aforesaid, shall have full power & authority forcibly to enter on board such Vessel, & to call to their assistance one or more of the Pilots for the Harbour of Boston & such other persons as may be necessary to proceed with said Vessel, her Crew, passengers, & cargo, to Rainsford's Island, the expence of which removal shall be paid by the owner of such Vessel which shall & may be recovered by action of the case in any court competent to try the same; & any Pilot or other Person who shall refuse to give his assistance when required shall pay a fine of Thirteen Dollars to be recovered upon conviction before any Justice of the Peace for the County of Suffolk, who shall issue his warrant of distress against the Goods, & estate, & for want thereof against the body of such person who shall be convicted as aforesaid.

SECT. 16. *And be it further enacted* that all the Powers & duties which are given to & required of the Selectmen of the town of Boston by a certain law of this Commonwealth passed the twenty second day of June One thousand seven hundred & ninety seven, entitled, "An Act to prevent the spreading of contagious sickness," shall be & they are hereby transferred to & made the duty of the Board of Health of the Town of Boston, any thing in said Law to the contrary notwithstanding.

SECT. 17. *And be it further Enacted*, that the Board of Health for the town of Boston shall & they hereby are empowered from time to time to choose a suitable & discreet person who has been approved of by some Medical Society within this Commonwealth to act as a Visiting Physician to said Board, whose duty it shall be to visit all Vessels coming from any place or places in which the said Board shall think that any contagious Sickness prevails, & such Physician shall be under the directions of said Board, & may be removed by them whenever they shall see cause: — And the said Board of Health shall have Authority to appoint Scavengers for the Town of Boston, & such other Officers to assist them in the execution of their Office as they shall judge proper & necessary for payment of whom & of all necessary expences which may arise in the exercise of their Office, said Board shall be authorized to draw upon the Town Treasurer, & the Accounts of said Board shall be examined by the Committee of Ac-

counts, annually chosen by the Town for that purpose, who shall report a state of them to the Town accordingly, & the same shall be paid by the Treasurer of the said Town.

And whereas by the Eleventh Section of the Act of this Commonwealth, entitled, “An Act to prevent the spreading of Contagious Sickness,” it is enacted, — “that each Town or District in this Commonwealth, may at their Meeting held in March, or April annually, or at any other Meeting legally warned for that purpose, when they shall judge it to be necessary choose & appoint a Health Committee,” in the manner & for the purposes in said Eleventh Section mentioned —

SECT. 18. *Be it further Enacted*, that so much of said Law as respects the future appointment of a Health Committee for the Town of Boston, be & the same is hereby repealed, & that the Board of Health appointed, & to be appointed by virtue of this present Law, be & they hereby are & shall be the Health Committee for the Town of Boston, & invested with all the powers & duties, as is herein in said Eleventh Section defined, any thing in said Eleventh Section to the contrary notwithstanding —

Part of a former law repealed.

And whereas by virtue of an act of this Commonwealth passed the last Session of the General Court (February the thirteenth, one thousand seven hundred & ninety nine) entitled, “An Act to empower the Inhabitants of the Town of Boston to choose a Board of Health & for removing & preventing Nuisances in said Town” — the Inhabitants did, in their several Wards, choose a Board of Health for the present year.

SECT. 19. *Be it further Enacted*, that the present Members of the Board of Health for the Town of Boston, chosen by virtue of said Law, be & they hereby are declared to be the Members of the Board of Health for the said Town for the present year, & shall remain in office until a new Board of Health shall be chosen, agreeably to the first Section of this present Law; & they & each of them shall have full power & authority to act in said capacity agreeably to the spirit & meaning of this Act, any thing herein to the contrary notwithstanding.

Board under a former law recognized.

SECT. 20. *And be it further Enacted*, that all penalties & forfeitures arising from this Act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the said Town of Boston, & shall be prose-

Disposal of fines.

cuted & recovered by Action of Debt in the name of the President of the said Board of Health, or by information in any Court competent to try the same. And it shall be the duty of the Board of Health, & each of them, to pursue & enforce the due Execution of the foregoing Law, and prosecute all offenders, for all penalties & forfeitures which may accrue under the same.

Warrant to be issued for choice of new member.

SECT. 21. *And be it further Enacted*, that on the death, resignation, or removal from the Ward, of which he is a Member, of any of the Board of Health, it shall be the duty of the President of the said Board to issue a warrant to the Constable of the Ward, commanding him to warn, by leaving a printed notification at the houses of the Inhabitants of the Ward, the Inhabitants to meet at the place & time mentioned in said warrant, for the purpose of choosing a new Member, & the Clerk of said Ward shall preside at such meeting.

Wards.

SECT. 22. *And be it further Enacted*, that the Wards mentioned in this Act shall be the same pointed out in a certain Act passed in the eighth & ninth years of the Reign of George the Second, entitled, “An Act for employing & providing for the poor of the Town of Boston.”

Former law repealed.

SECT. 23. *And be it further Enacted*, that an act, entitled, “An Act to empower the Inhabitants of the Town of Boston to choose a Board of Health, & for removing & preventing Nuisances in said Town, be & the same is hereby repealed;” — except so far as the same may be necessary for the prosecution & final recovery of any fines, penalties, forfeitures, or Actions which may have been incurred prior to the repeal of said Act.

Putrid meat, &c. not to be removed to towns without permission of Selectmen.

SECT. 24. *And be it further Enacted, by the Authority aforesaid*, that no untanned hides, or putrid or tainted Meat, or Fish, shall be removed from the town of Boston, or from any Vessel within the harbor of said town, by virtue of this Act, to any town within this Commonwealth, without permission from the Selectmen of the Town to which such hides, meat or fish are proposed to be removed, & that all untanned hides so removed without permission as aforesaid, shall be forfeited to the use of the Town to which they shall be removed, & shall & may be proceeded against in manner pointed out in the sixth Section of this Act.

Approved June 20, 1799.

1799. — Chapter 11.

[May Session, ch. 11.]

AN ACT EMPOWERING THE INHABITANTS OF THAT PART OF THE COUNTY OF YORK WHICH LIES TO THE NORTHWARD OF THE GREAT OSSAPEE RIVER, TO CHOOSE A REGISTER OF DEEDS AND FOR ESTABLISHING A COURT OF PROBATE TO BE HOLDEN AT FRYEBURGH IN THE SAID COUNTY.

Whereas the Inhabitants of that part of the County of York, which lies to the Northward of the Great Ossapee River, are put to difficulty in getting their conveyances of Real Estate properly recorded, and effecting a distribution and settlement of the estates of deceased persons among them, as they are in such cases frequently obliged at great expence and Trouble to travel to York, where alone the Office of Register of Deeds, and generally the Court of the Judge of Probate of Wills and for granting Letters of Administration for the said County are now kept and held,

Preamble.

SECT. 1. *Be it therefore Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That the Towns of Fryeburgh, Bethel and Waterford and such Plantations or Lands in said County of York as lie to the Northward of the great Ossapee River, be and they hereby are constituted a District for the Registry of Deeds. And the Inhabitants of the said District are hereby authorized to choose a Register of Deeds for the same District in manner provided by Law. And the Register so chosen, shall keep his Office within the said Town of Fryeburgh; and Simon Frye Esqr. a Justice of the Peace within and for the said County, is hereby authorized and empowered to issue his Warrant directed to the Selectmen of the aforesaid Towns of Fryeburgh, Bethel and Waterford and to the Assessors of those plantations authorized by Law to vote for Governor, Lieut. Gove[r]nor and Senators within the said district; ordering them forthwith to convene the inhabitants of the said Towns and Plantations, qualified to vote for Representatives, that they may proceed to the choice of some meet person, qualified by Law for the office of Register of deeds, and ordering the said Selectmen and Assessors to seal up and transmit a transcript of the Record of the number of votes, and persons voted for, in their re-*

District for the Registry of Deeds.

Register to be chosen.

spective Towns and Plantations, together with the warrant, to the Court of General Sessions of the Peace next to be holden at Waterborough within and for the said County, on the fourth tuesday of August next to be opened, and compared with the like returns from the other Towns and plantations in such district: And the person having the majority of Votes, after being sworn, and giving Bond as by law directed, shall be the Register of Deeds in said district, and shall continue in the said office, untill the last day of March, one thousand, eight hundred and one, and untill another is chosen and sworn in his Room, unless sooner removed or discharged by order of the Court of General Sessions of the Peace for the said County; and if it shall appear that no person has a majority of Votes in the said district upon examination of the returns as aforesaid, the same proceedings shall be had, as are directed by law in other cases of vacancy, in the office of Register of deeds.

Register to exercise the customary powers.

SEC. 2D. *And be it further enacted*, that the person chosen as aforesaid shall be subject to the same rules and disqualifications to which Registers of deeds for the several Counties are subject; and from and after the last day of November next, shall be fully authorized, and empowered to register and record all deeds of conveyance of any lands, or other real estate lying within the said district, and the record of deeds as aforesaid shall be valid to all intents and purposes whatever: And the record of any deeds of conveyance of land or other real estate, lying within the said district, which after the said last day of November shall be made by any other than the person to be chosen as aforesaid by the said district, shall be void and of no effect; and the Register to be chosen as aforesaid, shall be intitled to the same fees in the execution of his office, as the register of deeds in the several Counties are intitled to.

Probate courts to be held at Fryeburgh.

SEC. 3D. *And be it further enacted*, that the judge of probate for the County of York, he and he hereby is directed to hold two probate Courts in a year in the Town of Fryeburgh in said County, from and after the passing of this act. — Any usage or custom to the contrary notwithstanding.

Approved June 20, 1799.

1799. — Chapter 12.

[May Session, ch. 12.]

AN ACT IN ADDITION TO AN ACT ENTITLED AN ACT TO REGULATE THE GOING AT LARGE OF SHEEP AND RAMS AND HE-GOATS AT CERTAIN SEASONS OF THE YEAR, PASSED THE SEVENTH DAY OF MARCH IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED & NINETY SEVEN.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That that part of the provision contained in the first Section of the above recited Act, be and the same is hereby repealed, so far as it respects the County of Barnstable: and that the aforesaid Act shall hereafter extend to the said County of Barnstable, as though the said provision had not been made. *Approved June 21, 1799.*

Former act
extended to
Barnstable.

1799. — Chapter 13.

[May Session, ch. 14.]

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT TO DIVIDE THE COUNTY OF LINCOLN & TO CONSTITUTE THE NORTHERLY PART THEREOF A SEPERATE COUNTY BY THE NAME OF THE COUNTY OF KEN[V]EBECK.

Be it enacted by the Senate & house of representatives in General Court assembled & by the authority of the same that a law made & passed the twenty second day of March, In the year of our Lord one thousand seven hundred & ninety three for holding a Supreme Judicial Court at Pownalborough & Hallowell in said County of Lincoln on the second Tuesday next following the fourth tuesday of June, successively and Alternately, be & the same is hereby repealed. *Approved June 21, 1799.*

1799. — Chapter 14.

[May Session, ch. 13.]

AN ACT TO EMPOWER THE INHABITANTS OF THE TOWN OF SALEM TO CHOOSE A BOARD OF HEALTH & FOR REMOVING & PREVENTING NUISANCES IN SAID TOWN.

SEC. 1. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the authority of the same,* That the Freeholders and other Inhabitants of the Town of Salem, qualified to vote for

Authorized to
choose a Board
of nine persons.

Town Officers, may on the first Monday of April annually, or at any other Meeting legally called for the purpose, choose a Board of Health, consisting of nine persons, not less than two of whom shall be chosen out of each Ward in said Town; the Members of which Board of Health, shall elect a President and a Clerk, whose duty it shall be to record the votes and doings thereof; and in case of the Death or resignation of any one of the Members of said Board, the said Freeholders or other Inhabitants may at any Meeting legally called for the purpose, elect a Member out of the same Ward, to supply his place.

President and Clerk to be elected.

Board to examine into nuisances.

SEC. 2. *Be it further Enacted*, That it shall be the duty of the Board of Health, and each Member thereof to examine into all Nuisances and other causes injurious to the Health of the Inhabitants; whether the same shall be caused by stagnant waters, drains, common-sewers, slaughter-houses, tan-yards, fish, fish-houses, docks, necessaries, hog-sties, putrid animal or vegetable substances, or any other cause of whatever kind, which in his or their opinion may be injurious to the health of the Inhabitants as aforesaid. And upon complaint on oath being made to any Justice of the Peace by any Member of said Board of Health, or other person, that he suspects any of the Nuisances or causes aforesaid to exist in any Dwelling House, Cellar, Store, other Building, Ship or Vessel, it shall be the duty of such Justice to issue his Warrant directed to the Sheriff of the County of Essex or his Deputies or to any Constable of the Town of Salem, commanding him or them forcibly to enter, and together with a Member of said Board of Health, to search the same in the day time, and upon the discovery of such nuisance, or other cause, injurious to the health of the Inhabitants, to remove the same. *Provided however*, that no Sheriff, or Deputy Sheriff or Constable, shall execute any Civil process, either by arresting the Body or attaching the Goods and Chattels of any person or persons under colour of any entry made for the purposes aforesaid, unless such service could by Law have been made without such entry; & all services so made under color of such entry shall be utterly void and the Officer making such service shall be considered as a Trespasser to all intents *ab initio*. And any person or persons who shall resist such search, shall forfeit and pay the sum of Twenty Dollars, to be recovered in manner hereinafter provided. And it shall be the duty

Justice of Peace to issue warrant for removal.

Civil processes not to be executed, under plea of entry for nuisances.

of the Board of Health upon the discovery of any such Nuisance or other cause injurious to the health of the Inhabitants of said Town, forthwith to remove the same; and upon Complaint to any Justice of the Peace within the said Town or in said County made upon oath by one or more of said Board of Health, briefly therein stating the Facts, together with the costs of such removal, such Justice shall grant a Warrant, therein expressing the substance of the said Complaint, directed to the Sheriff of the County of Essex, or his Deputy, or any Constable of the Town of Salem, commanding him to notify and require the person or persons in whose possession, or upon whose estate such Nuisance or other cause aforesaid existed; or in case of his absence, his Agent or Attorney, to appear forthwith before such Justice; and if such person or persons shall neglect then and there to appear, or appearing shall not shew good cause to the satisfaction of said Justice, why Judgment should not pass against him or them, the said Justice shall then and there adjudge that such person or persons shall pay a Fine of Thirteen Dollars, & the costs of such Removal and double costs of prosecution; and shall thereupon issue his Warrant directed to the Sheriff of the County of Essex, or his Deputy, or any Constable of the Town of Salem, thereby commanding him to levy the expence of said removal, together with said Fine and double costs on the Goods and Estate, and for want thereof, on the body of the said Occupier or Proprietor of the House, Land, Cellar, Docks, Store or Vessel in which said nuisances existed; and said Fine shall be paid over to the Town Treasurer for the use of the said Town. *Provided always*, that any person or persons aggrieved at any Judgment of a Justice, passed against him or them as aforesaid, shall have a right to appeal therefrom, to the Court of General Sessions of the Peace then next to be holden within and for the County of Essex, who shall hear and determine on such Complaint, with or without the intervention of a Jury as the case may require, and thereupon render such Judgment as the Justice is herein before authorized to do in an original Complaint to him with additional costs; and the Judgment of said Court thereon shall be final. *Provided nevertheless*, that no such appeal shall be granted unless the Respondent shall claim the same on the day on which the Justices Judgment shall be rendered and shall enter into

Board to cause nuisances to be removed, and Justices to issue warrants for costs.

Appeal allowed.

Proviso.

Board to appoint certain officers — and may draw upon Town Treasurer.

recognizance with two sufficient Sureties to prosecute said appeal with effect. And said Board shall have authority to appoint Scavengers and such other Officers to assist them in the execution of their Office, as they shall judge necessary; for payment of whom and all necessary expences, which may arise in the exercise of their Office, the said Board shall be authorized to draw upon the Treasurer of said Town.

Penalty for possessing putrid meat, &c.

SECT. 3. *Be it further enacted*, that any person who shall offer for Sale in the Town of Salem, or shall have in possession, any tainted or putrid, salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof in manner aforesaid, shall forfeit the sum of two dollars for each barrel so offered for Sale, or that he shall have in possession. And it shall be the duty of every licenced packer of provisions and pickled fish, to give information to the Board of Health, or some one of them, of any such meat or fish, that shall come to his knowledge, and shall moreover be sworn before the President of the Board of Health, or some one of said Board, to give such information, before he shall execute that trust, after said Board of Health shall have been chosen; And the said President & Members, are hereby severally authorised to administer said oath. And if any packer of Provisions shall repack any meat or fish, that shall be unwhol[some], or not fit for use, and be thereof convicted before any court, competent to try the same, he shall forfeit Two Dollars for each barrel so repacked, & shall forever be disqualified for serving again in that capacity; and no provisions shall be repacked in the said town of Salem, between the first day of June & the first day of October in any year, unless in such place or places therein where permission therefor shall be obtained in writing from the Board of Health; & if any person or persons who shall repack any provisions within the times aforesaid in the said town of Salem, in any place or places, where permission therefor in writing hath not been first obtained of said Board of Health, [he] shall forfeit the Sum of Two Dollars for each barrel so repacked.

Packers directed and restricted.

Packing provisions in certain months prohibited, with an exception.

Killing and selling sheep and lambs regulated.

SECT. 4. *Be it further enacted* that no person or persons, without first obtaining permission therefor from the Board of Health or two members thereof, shall kill any sheep or lambs, or expose to sale within said Town, between the first day of July and the twentieth day of Sep-

tember in any year, the meat of any Sheep or lambs, which shall have been killed within three days, after such sheep or lambs, shall have been driven into said Town; & every person who without having first obtained such permission, shall within the times aforesaid kill any sheep or lambs within said town within three days after such Sheep or lambs shall have been driven into the same, or shall expose or offer for Sale within said Town, the meat of any sheep or lamb, which shall have been so killed, shall forfeit & pay for each offence Twenty Dollars, and the meat of every sheep or lamb so killed shall be forfeited; & the said Board of health or any two of them, may and it shall be their duty, to seize & remove the same, and dispose thereof so as that the health of the Inhabitants may not be endangered thereby; and in any action or prosecution against the Members of said Board of Health, or either of them, for seizing any meat of sheep or lambs by virtue of this Act, the plaintiff or prosecutor, shall be held to prove that such sheep or lambs, were killed after the expiration of three days from the time the same were driven into said town, or by the permission of said Board of Health.

SECT. 5. *Be it further enacted*, that no untanned hides shall be stored or kept in the Town of Salem aforesaid, between the first day of May & the first day of December except in such place or places as the Board of Health shall direct and appoint & that all such hides found in any other place or places in said Town within the times last mentioned shall be forfeited unless removed to such place as the Board of Health shall direct without the limits of said Town by the owner thereof, within twenty four hours after notice given him by the said Board of Health or any two of them, & such hides so forfeited shall & may be seized by any two of said Board of Health, & shall & may be libelled & tried in the same way & manner, & by the same process as is provided for the trial of Gun-powder seized according to law. And any person or persons, who shall throw upon the wharves or shores, or into any of the Docks in the Town any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit & pay for each offence a sum not less than Two dollars, nor more than thirteen dollars at the discretion of the Court, which may have cognizance of such offence;

Untanned hides
not to be stored
in town during
certain months.

Filth not to be
thrown on
wharves, &c.

that all Masters of Vessells who shall throw upon the wharves or shores, or into any of the Docks of said Town without permission from the Board of Health, any filth or sweepings of the Vessells hold, shall forfeit a sum not less than Five dollars nor more than Fifty dollars for each offence.

Board of Health
authorized to
direct quaran-
tine.

SECT. 6TH. *Be it further enacted*, that whenever it shall appear to the said Board of Health, that the safety of the Inhabitants of the town of Salem, requires that any Vessel or Vessels which shall arrive within the harbour of Salem from any Port or Place should perform quarantine, the said Board are hereby required & empowered, to cause such vessel or vessels to perform quarantine at such place as they shall appoint, and under such restrictions, regulations, & qualifications as they may judge expedient, & any owner, master, or Supercargo, officer, seaman, or consignee of any Vessell, or any other person who shall neglect or refuse to obey the orders, directions, rules, regulations, restrictions, or qualifications of the said Board of Health respecting said quarantine, & shall be thereof convicted upon indictment, or information, before the Supreme Judicial Court, or Court of General Sessions of the Peace, held in said County of Essex, shall be fined a sum not exceeding five hundred Dollars, or be imprisoned for a term of time, not exceeding six Months, or both at the discretion of the Court having cognizance of such offence.

Penalty for
attempt to
elude quaran-
tine.

SEC. 7TH. *Be it further Enacted*, that any master or commander of any Vessel, who shall enter the said Harbour of Salem, with his said vessel, after notice given to him by any person or persons whomsoever, that a quarantine has been directed by said Board of Health for all Vessels coming from the port or place from which such master or commander shall have arrived, or who shall falsely, or fraudulently attempt to elude the directions of the said Board of Health, by false and unfounded declarations of the port, or place from whence he came, or who shall land, or suffer to be landed from his Vessel any person, or apparel, bedding, goods, or merchandize whatsoever, without the permission of the said Board of Health, every such master or commander shall upon conviction thereof in manner and form pointed out in the Sixth Section of this act, forfeit and pay a sum not exceeding five hundred Dollars, or suffer imprisonment for a term, not

exceeding six months, or both at the discretion of the Court having cognizance of such offence.

SEC. 8. *Be it further Enacted*, that no master of a Vessel, or other person shall remove from any Vessel in the harbour, or lying at any of the wharves in Salem, any sick or diseased persons, before the name of such sick or diseased person has been reported to the Board of Health, and a written permit obtained from at least two of them, authorizing such removal, and expressing the manner thereof, the time when, and the place to which such person shall be removed. And any master of a Vessel, or other person who shall remove such sick or diseased person, without first obtaining such permit therefor, or contrary to the tenor and directions thereof, shall on conviction before the Court of General Sessions of the Peace in said County, be fined a Sum not exceeding one hundred Dollars, or suffer imprisonment not exceeding two Months, or both at the discretion of said Court.

Captains and others not to remove sick without permission.

SEC. 9. *Be it further Enacted*, that whenever the visiting Physician of the Board of Health, shall think it necessary that any Vessel should be purified, and cleansed and perform quarantine, he shall direct the master, or commander of such Vessel to proceed to, and anchor at such place as the said Board of Health shall have appointed for cleansing and purifying vessels, and it shall be the duty of said Physician to apply to the Board of Health, to direct the time and manner in which such purification shall take place, and the expences shall be defrayed by the master, commander, owner or consignee of such Vessel, to be recovered by an Action of the case in the name of the President of the Board of Health. And each and every master, commander, owner, or consignee, of every such Vessel, who shall neglect or refuse to comply with such directions, shall on conviction thereof, before the Court of General Sessions of the Peace, be fined not exceeding one thousand Dollars, or suffer imprisonment for a term not exceeding Six Months, or both, at the discretion of the Court.

Visiting physician to direct purification & quarantine, in certain case.

SEC. 10. *Be it further Enacted*, that every diseased mariner, or other person, who shall be removed, or sent to any Hospital or other place by the said Board of Health, shall be there kept and maintained at his or their own cost and expence, or his or their Parents, or masters, (if able) otherwise at the charge of the Town or Place, to which

Diseased mariners, &c. at hospitals, by whom to be maintained.

they belong; and in case such person or persons have no legal settlement in any Town or Place within this State, then at the charge of this Commonwealth; — And every person sent to any Hospital or Place for the purpose of Purification as aforesaid, shall be subject to the same restrictions as are provided by the seventh Section of an act of this Commonwealth passed the twenty second day of June one thousand seven hundred and ninety seven, entitled, “an Act to prevent the spreading of contagious sickness.”

Persons not to go on board vessels riding quarantine.

SEC. 11. *Be it further Enacted*, that no person excepting those employed by or under the Board of Health, shall go on board any Vessel, during the time she is performing quarantine, nor shall any person go within a line designated upon the Land, at the place appointed for cleansing and purifying Vessels; and every person who shall transgress in either of these cases, shall be considered as contaminated with infection, and held to undergo purification, in the same manner, and under the same regulations and restrictions as those performing quarantine at such place and shall there remain untill discharged by the visiting Physician; and the said Physician, or the person employed by the Board of Health to superintend such place may forcibly detain such person.

Penalty for disobeying orders to proceed to place of quarantine.

SEC. 12. *Be it further Enacted*, That if any Vessel subject to quarantine, shall come into the Harbor of Salem, it shall be the duty of the Board of Health or any two of them, to order the Master or person having the command of said Vessel immediately to proceed with her crew, passengers and cargo, to the place by them appointed for cleansing and purifying vessels; and in case the said Master or person having the command of said Vessel, shall refuse or neglect so to do for the space of one hour after said Order, he shall on conviction before the Supreme Judicial Court, or Court of General Sessions of the Peace, forfeit and pay a Fine not exceeding One Thousand Dollars, or suffer imprisonment not exceeding six months, or both, at the discretion of the Court; and the said Board of Health, or any two Members thereof, on any neglect or refusal as aforesaid, shall have full power & authority forcibly to enter on board such Vessel and to require the assistance of as many persons as they shall judge necessary, and proceed with said Vessel, her Crew, Passengers & Cargo to the place appointed for cleansing and purify-

Force may be used.

ing Vessels; the expence of which removal shall be paid by the Owner of such Vessel, and shall and may be recovered by an Action of the case in any Court competent to try the same; and any person who shall refuse to give his assistance when required, shall forfeit Thirteen Dollars to be recovered by an Action of Debt.

SEC. 13. *Be it further Enacted*, That all the powers and duties which are given to and required of the Selectmen of the Town of Salem, by a certain Law of this Commonwealth, passed the twenty second day of June one thousand seven hundred and ninety seven, entitled “An Act to prevent the spreading of contagious Sickness,” shall be and they hereby are transferred to and made the duty of the said Board of Health, any thing in said Law to the contrary notwithstanding.

Certain powers transferred from the Selectmen to the Board of Health.

SEC. 14. *Be it further Enacted*, That the said Board of Health, be and they hereby are empowered from time to time to choose a suitable and discreet person to act as a visiting Physician to said Board; whose duty it shall be to visit all vessels coming from any place or places in which the said Board shall think any contagious Sickness prevails; & such Physician shall be under the Direction of said Board, and may be removed by them, whenever they shall see cause.

Visiting physician to be appointed.

And whereas by the eleventh Section of the Act of this Commonwealth entitled “An Act to prevent the spreading of contagious Sickness” it is Enacted, That each Town and District in this Commonwealth, may at their Meeting held in March or April annually, or at any other Meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health Committee in the manner and for the purposes in said eleventh Section mentioned.

SEC. 15. *Be it Enacted* that so much of said Law as respects the future appointment of a Health Committee for the Town of Salem, be and the same is hereby repealed, and that the Board of Health to be appointed by virtue of this Act, be and they hereby are made and shall be the Health Committee for the Town of Salem, and be invested with all the powers and duties, which are granted to or imposed upon said Health Committee in and by said Act.

Board of Health to be the Health Committee.

SEC. 16. *Be it further Enacted*, That all penalties and forfeitures arising from this Act, except in those cases in

Recovery and appropriation of fines.

which it is herein otherwise provided, shall accrue to the use of the Town of Salem, and shall be prosecuted and recovered by Action of Debt in the name of the President of the said Board of Health, or by information in any Court competent to try the same. And it shall be the duty of the Board of Health & of each Member thereof to pursue & enforce the due execution of the foregoing Law, and prosecute all Offenders for all penalties & forfeitures which may accrue under the same.

Approved June 21, 1799.

1799. — Chapter 15.

[May Session, ch. 15.]

AN ACT FOR CHANGING THE NAME OF SAMUEL FLAGG THE THIRD TO THAT OF SAMUEL H. FLAGG.

Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same, That from & after the passing of this Act, the said Samuel Flagg, the third of that name of Worcester, & Son of Francis Flagg of Worcester in the County of Worcester, shall be allowed to take the name of Samuel H. Flagg instead of his present Christian & Surname & shall be known & called thereby, & that the same shall, to all legal intents & purposes, be hereafter considered as the only proper name of the said Flagg, & shall avail him accordingly.

Approved June 21, 1799.

1799. — Chapter 16.

[May Session, ch. 16.]

AN ACT IN ADDITION TO THE SEVERAL ACTS FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERRIMACK RIVER, BETWEEN THE TOWNS OF HAVERHILL AND BRADFORD IN THE COUNTY OF ESSEX, AND FOR SUPPORTING THE SAME.

Preamble.

Whereas the Proprietors of the Haverhill Bridge have represented to the General Court, That the compensation they derive from the present Toll is inadequate, and pray for an enlargement of the Toll over said Bridge:

Be it Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, That the following rates of Toll be and hereby are established for the benefit of said Proprietors, in addition to the Rates of Toll established by an Act passed February one thousand, seven hundred & ninety seven, entitled an

Act in further addition to an act entitled An Act for incorporating certain persons for the purpose of building a Bridge over Merrimack River between the Towns of Haverhill and Bradford in the County of Essex, and for supporting the same, passed March one thousand, seven hundred and ninety three : — For each foot Passenger one cent; for each Horse and Rider one cent five milles; for each additional Rider one cent; for each Cart or other Carriage of burthen drawn by one Beast, two cents five milles; for each Waggon, Cart or other Carriage of burthen, drawn by two beasts, seven cents five milles; for each additional Beast one cent; for each Coach, Chariot, Phaeton, or other Four-wheel Carriage for Passengers, seven cents; for each Curricie three cents; for each Horse or Neat Cattle, exclusive of those rode on or in Carriages, one cent; for each Sheep or Swine five milles; for a Wheel Barrow or Hand Cart with one person, one cent; for each Horse and Chaise, Chair or Sulkey four cents five milles. *Provided nevertheless* That the increase of Toll granted by this Act, shall & may from time to time be regulated by the Legislature of this Commonwealth at their discretion. *Approved June 21, 1799.*

Additional toll.

Proviso.

1799. — Chapter 17.

[May Session, ch. 18.]

AN ACT TO SET OFF SUNDRY PERSONS FROM THE TOWN OF CARVER, & ANNEX THEM TO THE FIRST PARISH IN MIDDLEBOROUGH, IN THE COUNTY OF PLYMOUTH.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, That John Sampson, Isaac Shaw, Isaac Morse jun : John Bryant, Joshua Perkins & Elkanah Shaw, inhabitants of Middleborough, in the County of Plymouth, who were formerly set off from said Middleborough to the town of Carver for parochical purposes only, be & they hereby are set off from the said Town of Carver, & again annexed to the First Parish in the town of Middleborough, together with their Polls & Estates, & shall in future be considered as belonging to said First Parish in Middleborough to all intents & purposes as though they never had been set off therefrom; *Provided nevertheless*, that they pay all taxes already legally assessed upon them in the same manner as though this Act had not passed.

Approved June 21, 1799.

1799.—Chapter 18.

[May Session, ch. 19.]

AN ACT FOR SETTING OFF CYRUS BUCK & LEVI STOCKWELL & THEIR FAMILIES & PART OF THEIR ESTATES FROM THE TOWN OF CHESTER, & ANNEXING THEM TO THE TOWN OF WORTHINGTON, IN THE COUNTY OF HAMPSHIRE.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, That the said Cyrus Buck & Levi Stockwell, together with their Families & that part of their Estates known and distinguished by Lots, Numbers twenty eight & twenty nine in the second Division of Lots in said Town of Chester, be, & the same are hereby set off from the said Town of Chester, & annexed to the Town of Worthington, there to enjoy Town privileges, & to pay Town charges that may arise therein; *provided* that the said Cyrus & Levi be held to pay their just proportion of all Taxes & Debts now due from the Town of Chester in the same manner as they would have done had this Act not have been made.

Approved June 21, 1799.

1799.—Chapter 19.

[May Session, ch. 20.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED, AN ACT TO PREVENT THE DISTRUCTION OF OYSTERS & OTHER SHELL FISH IN THIS COMMONWEALTH.

Be it enacted by the Senate & house of Representatives, in General Court assembled, & by the Authority of the same, That all the provisions, restrictions & penalties of & Proceedings directed in the said Act, passed in the year of our Lord, one thousand seven hundred & ninety Six, be & the same are hereby extended to the Town of Chatham in the County of Barnstable.

Former law
extended to
Chatham.

No shell fish
except clams
and horse-feet
to be taken.

And be it further enacted, That no fisherman, or any other person, shall take from the Town of Chatham any shell fish for bait, or other use, except clams, & a shell fish commonly known by the name of horse feet, & not to exceed Seven Bushells of clams, including the Shells, nor more than one hundred of said fish, commonly called Horse feet, in one week, to each Vessel or Craft, they procuring a permit as set forth in the Act aforesaid, any thing in the said Act, to which this is an Addition, Notwithstanding.

Approved June 21, 1799.

1799. — Chapter 20.

[May Session, ch. 21.]

AN ACT TO EXPLAIN AN ACT ENTITLED, "AN ACT AGAINST HAWKERS, PEDLARS, & PETTY CHAPMEN."

Whereas doubts have arisen whether the said Act extends to the Hawkers & Pedlars of Indigo & Feathers, as the same are the growth & production of the United States; Preamble.

Be it therefore enacted by the Senate & House of Representatives, in General Court assembled, & by the Authority of the same, That every hawker, pedlar, petty Chapman, or other person, who shall, from & after the first day of August next, go from town to town, on foot or with a horse or horses, or otherwise, carrying to sell, or exposing to Sale, any Indigo or Feathers, shall incur the penalties & forfeitures, & shall & may be prosecuted, convicted & fined in the way & manner, & by the processes, which are pointed out in the Act aforesaid passed on the ninth day of June, One thousand seven hundred & eighty five. And all persons, whether tavernors, Alehouse keepers, common victuallers or retailers, who shall, from & after the first day of August next, knowingly harbour & entertain any such hawker, pedlar, or petty Chapman of Indigo or Feathers, shall incur the same penalties & forfeitures, to be recovered in the same way & manner, as is provided in the Act aforesaid, against persons who shall entertain Hawkers, pedlars & petty Chapmen. Penalties extended to hawkers of Indigo and Feathers, and to those who harbor them.

SECT. 2. *Be it further enacted,* That the Secretary be, & he hereby is directed forthwith to cause this act to be printed in the Newspaper printed by the Printers of the General Court in the Town of Boston. Secretary directed.

Approved June 21, 1799.

1799. — Chapter 21.

[May Session, ch. 17.]

AN ACT FOR ESTABLISHING A CORPORATION BY THE NAME OF THE SIXTH MASSACHUSETTS TURNPIKE CORPORATION.

Whereas the highway leading from Amherst, through Pelham, Greenwich, Hardwick, New Bra[i]ntree, Oakham, Rutland, Holden, and Worcester, to the great road in Shrewsbury, which leads from New York to Boston, is rocky, and mountainous; and the expence of making and Preamble.

maintaining the same, so that it may be convenient for horses and carriages is much greater than reasonably ought to be required of the inhabitants of said Towns.

SEC. 1. *Be it therefore Enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, that Jonathan Warner, Samuel Parkman, Josiah Knapp, Edward Blake jun., Aaron and Charles Davis, Spencer Field, Stephen Rice, William Cutler, Paul Mandell, Moses Mandell, Francis Blake, Moses White, Richard Kelly, Jonas Howe jun., Ebenezer Mattoon jun. Medad Dickerson, Daniel Walker, Thomas Powers, Roger West, Robert Field, Nehemiah Hinds, John Rankin, William Conkey, Isaac Abercrombie, Artemas Howe, Jesse Allen, Joseph Chadwick, Timothy Parker, Isaac Hobart, John Dodds, Jonathan Danforth, William Henry, Abner Conant, James Lawton, Seth Pierce, and Jason Mixter, and all such persons as shall be associated with them, and their Successors, be, and they hereby are constituted a Corporation by the name of the Sixth Massachusetts Turnpike Corporation, for the purpose of laying out, and making a Turnpike Road from the East line of Amherst on the County Road, near William Bretons House, through said Towns to the great road in Shrewsbury aforesaid, and making the same in such place or places as the said Corporation shall choose, and for keeping the same in repair; which road or turnpike shall not be less than four rods wide, and the path for travelling not less than eighteen feet wide in any place: And that when said Turnpike Road shall be sufficiently made and so approved of by a Committee appointed by the respective Courts of General Sessions of the Peace for the Counties of Worcester and Hampshire for that purpose, then the said Corporation may, and shall be authorized to erect five Turnpike Gates on the same, in such manner, and form as the said Corporation shall judge necessary and convenient for collecting Toll, one of which Gates shall be near the dwelling house of Mr. Christopher Patten in Pelham, one other near the dwelling house of Zephaniah Spooner in Hardwick; one other in Oakham; one other near the dwelling house of Daniel Bartlett in Rutland; and the other in such place as said Corporation shall choose: And shall be entitled to receive of each Traveller or Passenger, at each of said Gates; the following rate of Toll, viz. For every coach, Phaeton, Chariot, or other four*

Persons incorporated.

Corporate name.

Width of road.

Road to satisfy Committee of Courts of Sessions.

Toll Gates.

Toll.

Wheel Carriage, drawn by two horses, twenty five Cents, and if drawn by more than two horses, an additional sum of four cents for each horse; for every Cart or Waggon drawn by two Oxen, or Horses twelve and a half Cents, and if drawn by more than two oxen or horses, an additional sum of three cents for each horse or Ox: For every Curricie sixteen cents: For every chaise, chair, or other carriage drawn by one horse twelve and a half Cents: For every man and horse, five cents; For every sled or sleigh drawn by two Oxen or horses, nine cents; If drawn by more than two oxen or horses, an additional sum of three cents for each horse or Ox: For every sled or sleigh drawn by one horse six cents: For all horses, mules, Oxen, or neat Cattle led or driven, besides those in teams and carriages, one cent each: For all sheep or swine at the rate of three cents for one dozen, *provided*, that said Corporation may, if they see fit commute the rate of Toll with any person or persons by taking of him or them a certain Sum annually to be mutually agreed on in lieu of the Toll aforesaid. Proviso.

SEC. 2D. *Be it further Enacted*, that said Corporation may purchase and hold land over which they may make said Road, and the justices of the Court of General Sessions of the Peace in the County, where said road may be, are hereby authorized on application of said Corporation to lay out such road, or any part thereof within their respective Jurisdiction, as with the consent of said Corporation, they shall think proper: And the said Corporation shall be liable to pay all damage that shall arise to any person by taking his land for such road, where the same cannot be obtained by mutual agreement, to be estimated by a Committee appointed by the said Court of General Sessions of the Peace, saving to either party, the right of trial by Jury, according to the Law, which makes provision for the recovery of damages arising from the laying out of Highways. Corporation may hold land.
Justices of the Sessions directed.
Corporation to be liable for damages in taking lands.

SEC. 3. *Be it further Enacted*, that if the said Corporation, or their toll gatherer, or others by them employed, shall unreasonably delay or hinder any traveller, or passenger at either of said Gates, or shall demand or receive more Toll than is by this Act established, the Corporation shall forfeit and pay a Sum not exceeding ten dollars nor less than two Dollars, to be recovered before any Justice of the Peace of the County, where the offence Penalty for delaying passengers or exacting extra toll.

Process for
recovery.

Corporation
to be liable for
damages by
defects in their
bridges or road.

Penalty for
damaging road
or forcibly
passing.

Penalty for
evading toll.

Provision in
favor of passen-
gers on certain
occasions.

Shares to be
considered
personal
estate.

may be committed by any person injured, delayed, or defrauded in a special action of the case; the writ in which shall be served on said Corporation by leaving a Copy of the same, with the treasurer, or with some individual Member of said Corporation, living in the County where said action may be brought, or by reading the same to the said Treasurer or individual member, at least seven days before the day of trial; and the Treasurer of said Corporation, or individual member, shall be allowed to defend the same suit in behalf of said Corporation: And the said Corporation shall be liable to pay all damages, that shall happen to any person from whom the Toll is demandable for any damage, which shall arise from the defect of Bridges, or want of repairing said ways, and shall also be liable to presentment by the Grand jury for not keeping the same in good repair.

SEC. 4. *Be it further Enacted*, That if any person shall cut and break down or otherwise destroy any of the said gates, or shall dig up or carry away any Earth from said Road, or in any manner damage the same, or shall forcibly pass or attempt to pass by force said Gates, without having first paid the legal Toll at such Gate, such person shall forfeit and pay a Fine not exceeding Fifty Dollars and not less than Ten, to be recovered by the Treasurer of said Corporation, to their use, in an Action of Trespass, or of the case; and if any Person with a Team, Cattle or Horses turn out of said Road to pass any of the Turnpike Gates aforesaid, and again enter said Road, with an intent to avoid any Toll established as aforesaid, such person shall forfeit and pay three times as much as the legal Toll at such Gate or Gates established as aforesaid, to be recovered by the Treasurer aforesaid to the use aforesaid by an Action of Debt. *Provided* that nothing within this Act shall extend to entitle the said Corporation to demand or receive Toll of any person who shall be passing with his horse or carriage to or from public Worship; or with his horse, team or cattle to or from his common labor, or to or from any Mill, or on the common or ordinary business of Family concerns within the said Town, or from any Person or Persons passing on Military duty.

SEC. 5. *Be it further Enacted*, That the Shares in said Road, shall be taken and considered as personal estate to all intents; and shall be transferable by Deed duly ac-

known before any Justice of the Peace and recorded by the Clerk of said Corporation in a Book to be kept for that purpose. And when any such Share shall be attached on *mesne process*, an attested Copy of such process shall be left at the time of the attachment, with the Clerk of said Corporation, otherwise the same shall be void: and such Shares may be taken and sold by Execution, in the same manner as other personal estate; and the Officer or Judgment Creditor, leaving a copy of such execution with the return thereon, with such Clerk, within fourteen days after such sale, and p[r]aying for the recording thereof, shall be deemed a sufficient Transfer of the same.

Process of attachment, &c. for debt.

SEC. 6. *Be it further enacted*, That the first Meeting of said Corporation shall be holden at the house of Jonathan Warner in Hardwick aforesaid, on the tenth day of September next, at ten of the Clock in the forenoon, for the purpose of choosing all such Officers and establishing such rules as said Corporation may think proper.

First meeting.

SEC. 7. *Be it further Enacted*, That the said Corporation shall within six Months after the said road is completed, lodge in the Secretary's Office an account of the expences thereof; and that the said Corporation shall annually exhibit to the Governor and Council a true account of the Income or Dividend arising from said Toll with the necessary annual disbursements on said Road, and that the Books of said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor and Council when called for.

Account of expenses to be lodged in Secretary's office.

Annual statement to be submitted to Governor and Council.

SEC. 8. *Be it further Enacted*, That whenever any Proprietor shall neglect or refuse to pay any Tax or Assessment duly voted and agreed upon by the said Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at public Vendue the Share or Shares of such Delinquent Proprietor, one or more as shall be sufficient to defray said taxes and necessary incidental charges, after duly notifying in the Newspapers printed at Worcester and Northampton, and in the paper printed by the Printers of the General Court in Boston, the sum due on any such shares and the time and place of sale, at least thirty days previous to the time of sale; and such sale shall be sufficient Transfer of such share or shares so sold to the person purchasing the same;

Proprietor refusing to pay taxes.

Delinquent's shares to be sold.

and on producing a Certificate from the Treasurer to the Clerk of said Corporation, — the name of such Purchaser with the number of shares so sold, shall be by the Clerk entered on the Books of said Corporation; and such persons shall be considered to all Intents the Proprietors thereof, and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose Shares were then sold.

Sign board to be erected.

SEC. 9. *Be it further Enacted*, That the said Corporation shall at all places where the said Toll shall be collected, erect & keep constantly exposed to view a Sign or Board with the rates of Toll of all the tollable articles fairly and legibly written thereon in large or Capital Characters.

Corporation may be sued, have a seal, &c.

SEC. 10. *And be it further Enacted*, That said Corporation may sue and be sued by said name of Incorporation, & may have a Common-Seal & enjoy all the powers & privileges, and shall be subject to all the duties & requisitions incident to such a Corporation; & the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising from said Toll shall have fully compensated the said Corporation for all monies they may have expended in purchasing, repairing and taking care of the said Road, together with an interest thereon at the rate of twelve Dollars in the hundred for a year from the time of the expenditure of the same — and thereupon the interest in said Road shall vest in this Commonwealth: *Provided* that if the said Corporation shall neglect to complete said Turnpike Road for the space of four Years from the passing of this Act, the same shall be void and of no effect.

Corporation may be dissolved.

Time for completing Turnpike limited.

Approved June 22, 1799.

1799. — Chapter 22.

[May Session, ch. 22.]

AN ACT IN ADDITION TO AN ACT ENTITLED, AN ACT IN ADDITION TO AN ACT ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER MERIMACK RIVER IN THE COUNTY OF ESSEX AT BODWELL'S FALLS BETWEEN ANDOVER & METHUEN & FOR SUPPORTING THE SAME," PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND NINETY THREE.

Preamble.

Whereas the Proprietors of Andover Bridge have represented to this Court the inadequate compensation they

derive from the established toll & pray for an enlargement of the rates thereof, and also for the right of said Bridge, and the toll forever, as from the destruction of a great part of said Bridge they are now called upon for additional and heavy expenditures, for the repair of said Bridge.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court Assembled, & by the Authority of the same,* that the following additional rates of toll of said Bridge be & hereby are established for the benefit of said Proprietors to wit, — For each foot passenger one cent, For each horse & one rider one cent & five Milles, & for each additional rider one cent, For each horse & Chaise, chair or Sulkey four cents & five milles, For each Cart, sled, or other carriage of burthen, or riding sleigh drawn by one beast, two cents & five milles, For each Waggon, cart, sled, or other carriage of burthen drawn by two beasts, & not exceeding four beasts seven cents & five milles, & for each additional beast above four one Cent. For each Coach, Chariot, phaeton, or other four wheel Carriage for passengers seven Cents; for each Curricie three Cents. For each horse or neat cattle, exclusive of those rode, or in carriages one cent, for sheep or swine five Milles each; For each wheel-barrow, or hand-Cart, with one person one cent. *Provided nevertheless,* that after the expiration of Twenty five years from the passing of the Act, originally incorporating the said Proprietors, the rates of toll of said Bridge, shall be subject to the regulation of the Legislature of this Commonwealth.

Additional toll.

Proviso.

SECT. 2. *And be it further enacted,* that the said Bridge, & the lawful toll thereof, be & are hereby vested in said Proprietors, their heirs, successors, & assigns forever, any law to the contrary notwithstanding.

Bridge vested in the Proprietors forever.

Approved June 22, 1799.

1799. — Chapter 23.

[May Session, ch. 23.]

AN ACT TO INCORPORATE THE WESTERLY PART OF THE TOWN OF BOWDOIN IN THE COUNTY OF LINCOLN INTO A SEPERATE TOWN BY THE NAME [OF] THOMPSONBOROUGH.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That the westerly part of the Town

Boundaries.

of Bowdoin, as described in the following limits to wit, — Beginning at the Northwest corner of the Town of Tops-
ham, at Little River, and running up said Little River
about one mile to what is called Bowdoin's road; then
running westward on said Road about eight or ten rods to
a large pine tree, marked with the Letter Q, it being the
Southeast corner of what is called Whittemore's Lot, and
thence running North North-East to the North line of
said Town, said line being about a center line of the said
Town of Bowdoin, together with the Inhabitants thereon
be and hereby are incorporated into a Town by the name
of Thompsonborough, with all the powers, privileges and
immunities to which Towns are or may be entitled agree-
able to the Constitution and Laws of this Commonwealth.

Incorporated.

To pay propor-
tion of taxes,
support certain
poor, &c.

SECT. 2. *And be it further Enacted*, That the said
town of Thom[p]sonborough shall pay their proportionate
part of all arrears of State, County, Town or other taxes
which have been already assessed, or debts due from the
town of Bowdoin — and shall support any poor person or
persons who have heretofore been, or now are Inhabitants
of that part of the Town of Bowdoin, which is hereby in-
corporated, and are or may become chargeable, and who
shall not have obtained a settlement elsewhere; and such
poor person or persons shall be considered as Paupers be-
longing to the town of Thom[p]sonborough and be sup-
ported accordingly.

To have a
moiety of the
property.

SECT. 3. *Be it further Enacted*, That the said Town of
Thom[p]sonborough shall be entitled to an equal moiety
of all debts due to the Town of Bowdoin, and all Town,
Parish or School Lands or any other public property
which belonged to the Town of Bowdoin prior to the pass-
ing of this Act. *Provided also* that until another Valua-
tion shall be taken, the future State & County Taxes laid
on said Town, shall be assessed and paid in equal moieties
according to the last Valuation of the Town of Bowdoin.

First meeting.

SECT. 4. *Be it further Enacted*, That Ezekiel Thomp-
son Esqr. be and he is hereby authorized to issue a War-
rant directed to some suitable Inhabitant of the said Town
of Thompsonborough, requiring him to notify and warn
the Inhabitants thereof to meet at some convenient time
and place to choose such Officers as towns in this Com-
monwealth are entitled to choose in the Months of March
or April annually.

Approved June 22, 1799.

1799. — Chapter 24.

[May Session, ch. 24.]

AN ACT TO SET OFF NOAH FULLER FROM THE FIRST PRECINCT IN REHOBOTH, TO THE SECOND PRECINCT IN SAID TOWN.

Be it Enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, That Noah Fuller with his Family & that part of his Estate which now lies within the First Precinct in Rehoboth, be & he hereby is set off from said First Precinct, & annexed to the Second Precinct in said Town, there to do parochial & precinct duty & receive privileges ; *provided*, that the said Noah shall pay to the said First Precinct all Taxes now lawfully assessed on him, in the same manner, as he would have been holden to do, had not this Act passed.

Approved June 22, 1799.

1799. — Chapter 25.

[May Session, ch. 25.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF CANAAN, CLINTON, & FAIRFIELD IN THE COUNTY OF KENNEBECK, INTO A DISTINCT RELIGIOUS SOCIETY, BY THE NAME OF THE CLINTON BAPTIST SOCIETY.

SECT. 1. *Be it enacted by the Senate and house of Representatives in General Court assembled & by the Authority of the same*, that Mephibosheth Cain, Elder, Joseph Spearen, John Spearen, John Spearen Junr., John Burrell, Dean Wyman, Asa Pratt, James Pratt, John Shaw, Phillip Wing, David Kimbal, James Goodwin, George Fitzgerald, Stephen Goodwin, Miles Goodwin, David Kendal, William Spearen, Frederick Jakins, David Pratt, Robert Hood, Solomon Wheeden, Nathaniel Burrell, Christopher Webb, William Carson, Levi Powers, Ephraim Carson, John Hood, Levi Powers Junr. William Steward junr. Butler Lumbard, Joseph Mills, John Fowler, Samuel Varnum, Phillip Powers, John Noble, Matthew Chase, Benjamin Noble Junr. David Pearson, Joseph Towns, John Mandall, Jonathan Steward, James Webb, Elam Pratt, Levi Emery, Ziba Burrell, Varnum Chase, Ezekiel Chase, Rueben Wyman, Daniel Goodwin, Benjamin Spearen, Isaac Lawrance, Frances Powers, Daniel Oaks, James Steward, Mordecia

Members' names.

Corporate
name.

How to become
a member.

Proviso.

How to leave
the Society.

First meeting.

Moors, & Hemond Atwood, the members of a religious Society, together with their polls & estates be, & they hereby are incorporated by the name of the Clinton Baptist Society, with all the privileges, powers, & immunities, to which, Parishes are by law entitled in this Commonwealth.

SECT. 2. *And be it further enacted*, that any person in either of the towns of Canaan, Clinton and Fairfield, aforesaid, being of the Baptist denomination of Christians, who may at any time hereafter actually become a member of, & unite in their religious worship with the said Clinton Society, and give, in his or her name, to the Clerk of the Town or Parish, to which he or she belongs, with a certificate, signed by the minister or Clerk of said Society, that he or she has actually become a Member of, & united in religious worship, with the said Society in Clinton aforesaid, fourteen days previous to the Town or Parish meetings therein, to be held in the months of March or April annually, shall from & after giving such Certificate with his or her polls & estates, be considered as a member of said Society. *Provided however*, that such person shall first pay his proportion of all money, assessed in the Town or Parish, to which he or she belonged previous to that time.

SECT. 3. *And be it further enacted* that when any member of said Baptist Society, shall see cause to leave the same and unite in religious worship with any other religious society, and shall give in his or her name to the Clerk of the said Baptist religious society, with a certificate signed by the Minister or Clerk of the Parish or other incorporated religious society with which he or she may unite, that he or she has actually become a Member of, & united in religious worship, with such other parish, or other incorporate religious society, fourteen days previous to their meeting in March or April, & shall pay his or her proportion of all money assessed in said society, previous thereto, such person shall from & after giving such certificate, with his or her polls & estates be considered as members of the Society to which he or she has so united.

SECT. 4. *And be it further enacted* that Nathaniel Dummer Esquire be, & he is hereby authorized to issue his warrant directed to some member of said Society, requiring him to notify all the members thereof qualified to

vote in Parish affairs to assemble at some suitable time & place in said Town of Clinton to choose such officers as parishes are by law required to choose in the Months of March or April annually, and to transact all other matters & things necessary to be done in said Society.

Approved June 22, 1799.

1799. — Chapter 26.

[May Session, ch. 26.]

AN ACT, IN ADDITION TO AN ACT ENTITLED, "AN ACT TO PREVENT FRAUD IN FIRE-WOOD, BARK OR COAL, EXPOSED TO SALE," MADE AND PASSED MARCH SEVENTH, ONE THOUSAND SEVEN HUNDRED AND NINETY SEVEN.

SEC. I. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all Cord-wood brought in by water into any Town or District for sale, shall be measured by a Measurer duly appointed and sworn, as directed in said Act; & in order thereto, the Wood, so brought in, shall be corded and piled by itself upon the wharf or land whereon the same shall be landed, in ranges, making up in height what shall be wanting in length; at which time it shall be so measured and a Ticket given to the purchaser, who shall be obliged to pay the stated fees or allowance for such service as appointed by the Selectmen.

Wood to be measured on the wharves.

SEC. II. *Be it further Enacted,* That every Wharfinger, Carter or Driver that shall cart or carry any Fire-Wood from any Wharf or landing-place in any Town or District, shall be furnished by the Owner or Seller of such wood, with a Ticket certifying the quantity the Load contains, and the name of the Driver. And if any Fire-wood shall be carted or carried as aforesaid, without such Ticket accompanying the same; or if any Driver shall refuse to produce and shew such Ticket on demand, to any Measurer duly sworn as aforesaid, or his consent to have the same measured; or if such Tickets shall certify a greater quantity of Wood than the Load contains in the opinion of the Measurer aforesaid, after measuring the same, such Wood shall be forfeited and seized, two thirds to the use of the poor of the Town where offered for sale, & the other one third to the Measurer, or whoever shall prosecute for the same; to be recovered as the other forfeitures in said Act are directed to be recovered. *Pro-*

Carters to be furnished with tickets, and to shew them, when demanded.

Penalty.

Proviso.

vided nevertheless, That nothing herein contained shall be construed to extend to any person or persons who shall transport or cart, or cause to be transported or carted, from any Wharf or Landing-place, to his or their own Dwelling houses or Stores, any Cord-Wood, which he or they shall have purchased on such Wharf or Landing place, or shall have landed thereon upon his or their own account.

Part of a former law repealed.

SEC. III. *Be it further Enacted*, That the proviso in the third Section, and the Proviso in the sixth Section, in said Act, be and they hereby are repealed.

Approved June 22, 1799.

1799. — Chapter 27.

[May Session, ch. 29.]

AN ACT IN ADDITION TO AN ACT ESTABLISHING THE WILLIAMSTOWN TURNPIKE CORPORATION.

Two turnpike gates allowed, with toll.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, that when the Turnpike road provided for, in the Act, to which this is an addition shall be allowed and Approved by the Justices of the Court of Sessions of the County of Berkshire at any term thereof, Then the said Corporation shall be authorized to erect two turnpike Gates on the same in such manner & at such places as the said Court shall direct, And that at each of said Gates the Corporation shall be entitled to receive from each traveller and passenger the same rate of Toll as is provided in the Act aforesaid.

Approved June 22, 1799.

1799. — Chapter 28.

[May Session, ch. 27.]

AN ACT TO ENCOURAGE THE ESTABLISHMENT OF A COTTON MILL IN THE TOWN OF REHOBOTH.

Whereas Samuel Slater has petitioned this Legislature stating his intention to establish a Cotton Mill in the Town of Rehoboth in this Commonwealth and praying an exemption from taxation for a certain time.

Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same: That all buildings, which may be erected in said Town for the purpose of a Cotton Mill, together with

Mill exempted from taxes.

the materials and stock employed in the manufacture of Cotton, be and they are hereby exempted from taxes of every kind during the term of seven years from the first day of April next.

Approved June 22, 1799.

1799. — Chapter 29.

[May Session, ch. 28.]

AN ACT TO INCORPORATE A RELIGIOUS SOCIETY BY THE NAME OF THE EPISCOPAL PARISH IN MARBLEHEAD.

SEC. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, that the Proprietors of the appropriated Pews in the Church usually called St. Michael's Church in Marblehead in the County of Essex shall be and they hereby are incorporated, and they and all who shall become proprietors of the Pews aforesaid, or in any other building, which shall be provided and maintained by the same religious society for their public worship, shall be and continue a body politic and corporate, by the name of the Episcopal Parish in Marblehead; and by that Name may sue, and be sued, and shall be capable, to take and hold, any real and personal estate, and by their wardens and vestry, and any other their officers or agents, to manage, sell, transfer, and dispose of the same according to the rules and regulations which shall be established by the said Parish: And the said Corporation shall have a common seal whereby their grants, and all other their acts and proceedings may be made or certified, and which seal they may alter and renew at their discretion: *Provided*, that the real estate of the said corporation, besides their Church and Church-yard, shall not exceed the sum of one thousand dollars annual income, or value; *and provided*, that no sale, or disposal of any part of their real estate shall be valid, unless their minister, if any, and two thirds at least of the members for the time being of the said Parish shall concur therein.

Proprietors of the pews incorporated.

Common seal allowed.

Restriction relative to estate.

SEC. 2D. *And be it further Enacted*, that the building called St. Michael's Church with the yard thereof and the messuage in the occupation of the Revd. William Harris present minister of the said Church, situate in Marblehead aforesaid, and all other the real estate of the said religious Society, and their personal estate now law-

Certain estate explicitly vested in the Society.

fully possessed or claimed by them shall be, and hereby are vested in the said Episcopal Parish in Marblehead. Saving that the appropriated Pews of the said Church shall remain to the individual owners as heretofore, *and provided* that the said Episcopal Parish and the estates and property hereby vested in them shall be and continue answerable and liable for all and singular the debts, contracts and duties of the proprietors of the said Church called Saint Michael's and of the Lands and Glebe belonging therewith.

Proviso.

Officers to be chosen — and rules, &c. established.

SEC. 3D. *And be it further Enacted*, that the said Parish at their first meeting, which shall be convened pursuant to this act, and again on the Easter Monday next following, and afterwards annually on the Easter Monday of every year, or at any adjournments of those meetings respectively shall and may appoint two or more Church-Wardens and five or more vestry men, a treasurer and recording clerk, and such other officers as they shall think necessary for the management of their concerns, to continue untill others shall be chosen in their Place; and at any such meeting may supply the vacancy of any office and may establish suitable bye laws and rules for the Government of the said Corporation, and to determine the manner in which their annual and all other meetings shall be notified and convened, and the forms of proceeding and voting thereat, and the respective authorities and duties of their officers and agents.

Taxes to be ordered for support of the minister, &c.

SEC. 4. *And be it further Enacted*, that at such first meeting and afterwards at each annual meeting, or at any adjournment of the same respectively, the said Parish may make and order reasonable taxes and assessments for the support of their minister, and public worship, and the preservation and improvement of their Church, Glebe, and Estate; and may direct the same to be levied either upon the appropriated Pews of their Church, or partly upon such pews, and partly upon the owners thereof, and upon the occupants of any other Pews of the said Church, who shall usually attend public worship therein, according to the rateable ability of such owners and occupants: And for the purpose of such assessment upon the Pews, there shall be a valuation of the same according to size and situation, to be taken and occasionally revised, as the said Parish shall direct: And the Sum to be levied thereon shall be apportioned according to the valu-

ation of the appropriated Pews, at the time such assessment shall be voted, which apportionment shall be made by the Wardens and Vestry for the time being of the said Parish.

SEC. 5. *And be it further Enacted*, that whenever a part of such annual assessment shall be agreed and voted to be levied upon the owners, and occupants of Pews according to their rateable ability, they shall be estimated therefor and the same shall be apportioned by the Wardens and Vestry of the said Parish according to the estimate of the same persons, their Poll excepted; in the assessment of any public Tax, which shall have been made in the said Town next preceding the vote for such Parish Assessment: And no Error by the enumeration of occupants not liable, or the neglect of occupants liable, shall vitiate or annul such assessment in respect to those persons who shall be otherwise duly assessed.

Rateability,
how to be
estimated.

SEC. 6TH. *And be it further Enacted*, that the apportionment of every assessment which shall be voted by the said Parish shall be recorded by their clerk, and by him shall be certified to their Treasurer, who shall thereupon notify the same by posting a Copy thereof at the door of their Church; and after the expiration of six months from such notice, every assessment not paid may be demanded of the party liable therefor, either personally, or by a note thereof in writting to be left at his or her usual abode; and after one month therefrom, if such assessment shall remain unpaid, the Pew liable therefor may be taken by the said wardens and vestry as forfeited to the said Parish, and may be sold for the payment of all arrears, as they shall agree and direct: And the part of such assessment, if any, which shall be upon any owner, or occupant of a pew as aforesaid and liable therefor which shall remain unpaid after notice as aforesaid shall be recoverable by the said Parish as their proper debt, and they may sue for the same accordingly.

Assessment to
be recorded
and certified.

Pews, assess-
ments on which
shall not be
paid, may be
sold.

SECT. 7. *Provided and be it further Enacted*, that whenever any proprietor as aforesaid shall in writting to be delivered to either of the Wardens, or to the recording clerk of the said Parish surrender to them, his or her pew, or other interest in the Church, and whenever any occupant shall in like manner notify that he withdraws from the said Parish, such proprietor or occupant shall not be personally liable in any assessment which shall be after-

Persons not to
be liable for
taxes in certain
cases.

wards voted by the said Parish, unless their connection with the same shall be renewed.

First meeting.

SEC. 8TH. *And be it further Enacted*, that the first meeting of the said Parish may be convened by Virtue of the warrant of any Justice of the Peace in the said County, directed to any principal member of the said Corporation and appointing a suitable time, when such meeting shall be holden at the said Church. And the same shall be notified by posting a copy of the warrant at the door of the said Church and at one other public place in the said Town, fifteen days at the least previous to the said meeting.

Approved June 22, 1799.

1799. — Chapter 30.

[May Session, ch. 30.]

AN ACT TO REGULATE THE WEIGHING OF BEEF AND PORK.

Whereas great inconveniences have arisen from the uncertain mode of weighing provisions by steel yards:

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of October next, no beef, or Pork shall be weighed by the owners or keepers of any slaughter houses, Stores or warehouses, or by any persons under their direction or controul in said houses, in any greater quantity than fifty pounds, except in Scales and with weights duly sealed, according to the Act passed in the fourth year of William and Mary, entitled, “An Act for due regulation of weights and measures,” and every owner or keeper of any slaughter house, store or ware house, or any person or persons by their direction, or under their controul in said houses, who shall weigh any Beef or Pork in any greater quantity than fifty pounds, by steel yards, or in any other way than by scales and weights, duly sealed as aforesaid, shall, for every such offence, forfeit and pay the Sum of ten Dollars, to be recovered by action of the case, before any Court competent to try the same, by any person who shall first sue for the same, one half to the use of the person who shall sue as aforesaid, and the other half to the use of the poor of the town, in which such offence shall be committed.

Approved June 22, 1799.

Above fifty
pounds not to
be weighed
with steelyards.

Penalty.

1799. — Chapter 31.

[May Session, ch. 31.]

AN ACT TO REGULATE THE PAVING OF STREETS IN THE TOWN OF BOSTON, AND FOR REMOVING OBSTRUCTIONS IN THE SAME.

SECT. 1. *Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same,* That all streets shall hereafter be paved in the Town of Boston, agreeable to the following regulations, vizt.

The foot path or walk, on each side of every street, shall be of the breadth of one sixth part of the width of the whole street; & shall be laid or paved with bricks or flat stones, & secured with a beam or Cut stone along the out side thereof. And the middle or remaining four sixths of every street shall remain as a passage-way for carriages of burthen or pleasure, and shall have a gutter on each side thereof, or otherwise, as the surveyors of Highways in the said town shall determine; and shall be paved with good & sufficient paving stones.

Foot-walk to be one sixth of the street's width and paved.

Provided always, That if in any street so to be paved, the sides shall not exactly range the gutter or out side of the foot walk, shall be laid out, as nearly in a strait line as the street will admit of. And in all squares, & other large open spaces, and in all streets, the breadth of which shall not conform to this law, the breadth of the foot walk, & the ascent and descent, & the crowning of the pavement in every street shall be regulated, by the Surveyors of Highways.

Provision for squares and narrow streets.

SECT. 2. *And be it further enacted,* That where the Cartway in any public street, shall be hereafter ordered to be paved, every owner of the lot or lots of ground, upon such street, shall, without delay, at his own cost, cause the foot way in front of his ground to be paved with bricks or flat stones, and supported by timber or hewn stones, & kept in repair, the same to be done under the direction of & to the approbation of the surveyors of Highways. And if the owner or owners of such lots shall neglect to pave with bricks or flat stones, & to support the footway for the space of twenty days after he or the tenant of such lot, or the attorney of the said owner or owners, shall have been thereto required by any of the surveyors of highways; then it shall be lawful for the said

Where cartway is paved foot-walk to be also paved.

In case of owners neglecting to pave.

surveyors of highways, & they are hereby enjoined & required to pave the said foot ways with brick or flat stones & to support & to defend the same, & to repair the same, & shall recover the whole amount thereof by action of the case, to be brought by the surveyors of Highways, before any Court proper to try the same.

Provision for
aggrieved
individuals.

Provided nevertheless that in all cases where applications may be made for new paving of Streets any Individuals, who may be affected thereby, may make their objections to the Selectmen, or surveyors of Highways, who are directed to take them into consideration, while deliberating on the expediency of said application, & to pave the same at the expence of said town wherever they shall think it expedient.

Planks may be
used before
vacant lots.

Provided also, That where there are any vacant lots of land in any such Streets, the surveyors of Highways may, at their discretion, allow the owner or owners thereof to cover the foot path with planks, which shall be removed, & the brick or flat stone pavement shall be completed whenever it may become necessary, in the Judgment of said surveyors.

Selectmen em-
powered to
widen streets,
&c.

SECT. 3. *And be it further enacted*, that the Selectmen of the said town of Boston for the time being, whenever in their opinion the safety & convenience of the Inhabitants of said Town shall require it, shall be, & they hereby are empowered to lay out or widen, any street, lane, or alley of said Town, & for that purpose to remove any building or buildings of what nature soever; & the owner or owners of such building shall be entitled to receive compensation for the damages which he or they may sustain by such removal, which damages shall be ascertained, determined & recovered in the way & manner pointed out in the Act of this Commonwealth entitled, “An Act directing the method of laying out highways.”

Balconies,
cellar doors, &c.
regulated.

SEC. 4. *And be it further Enacted*, That no Canopy, Balcony, Platform of Cellar-door or Step in any Street Lane or Alley in the Town of Boston, shall project into such Street more than one tenth part of the width of the Street; and in no case more than three feet; and all Cellar-Doors hereafter to be made or repaired, shall be built with upright Cheeks, and shall not project from the line of the House more than six inches. And if any Proprietor or Owner of any such Canopy, Balcony, Platform or Cellar-Door or Steps, shall refuse or neglect to remove

or take down the same, within five days after notice & direction given him or them by the Surveyors of Highways, or any person empowered by them to that purpose, such Owner or Proprietor shall forfeit and pay the sum of Two Dollars for each and every day the same shall remain after the expiration of the said five days.

SEC. 5. *And be it further Enacted*, That no Post shall be erected or set in any of the Streets of the said Town of Boston, except at the Corners or Intersection of two Streets, and in such other places as the Surveyors of Highways may authorize & direct, and the said Surveyors may remove the same. And no person shall plant any Tree in any Street in the said Town of Boston, without leave first obtained from the Surveyors of Highways, who shall have power to remove the same. And if any person shall drive any Horse or Cart or any Wheel-Carriage of burthen or pleasure, or wheel any Wheel-Barrow on the Foot-Walk of any Street in said town of Boston, such person shall forfeit & pay the sum of one Dollar for every such Offence to be recovered by Action of Debt, in the name of the Surveyors of Highways, before any Justice of the Peace in the County of Suffolk. And no person shall, in future, make, erect or have any Portico or Porch, any Bow-window, or other Window which shall project into the Streets of the said Town of Boston more than one foot beyond the front of his or her house; or hang any Sign, or any Goods, Wares or Merchandize, which shall project into the Street more than one foot beyond the front of his or her house or lot. And if any person shall hereafter offend against this provision; every person so offending shall forfeit and pay the sum of One Dollar, for each and every day such Portico or Porch, Bow-Window or other Window shall be continued, after notice given to him by the Surveyors of Highways, or by any person by them authorized to that purpose.

SEC. 6. *And be it further Enacted*, That if any person or persons shall continue to place in the Street, contrary to the meaning of this Act, any Goods, Wares or Merchandizes it shall be lawful for the Surveyors of Highways of the said Town of Boston, or any person empowered by them, to remove such Goods, Wares and Merchandizes and to keep them in safe custody; and the Proprietor or Owner of such Goods, Wares and Merchandize shall not have the same Goods restored, until he or

Posts and trees not to be set in streets without consent of the surveyors of highways.

Penalty for wheeling barrows, &c. on foot-walk.

Direction respecting bow-windows, &c.

Merchandize not to be placed in the streets.

they shall have paid to the person or persons so removing them, all expences of removing and storing them, and a reasonable Compensation for the time so employed in their removal, as well as the fine aforesaid. And if any person shall place or pile any empty Boxes, Barrels, Hogsheads, or othe[r] Conveniency, capable of containing Goods or Merchandize, or that may have contained Goods or Merchandize, in any part of the Streets of the said Town of Boston, more than five minutes after notice given to remove the same, such person shall forfeit and pay the sum of Two Dollars for each and every such Offence, to be recovered by Action of Debt by the Surveyors of Highways before any Justice of the Peace in the said County.

Carriages not
to be left in the
streets.

SEC. 7. *And be it further Enacted*, That if any Driver, Owner or person, having the ordering or care of any Cart, Waggon, Stage or Hackney Coach, Stage-Waggon or other Carriage, new or old, finished or unfinished, shall suffer the same to be and remain in any Street Lane or Alley of the said Town, more than one hour after the same shall have first been placed there, unless by the permission of the Surveyors of Highways, every such Owner Driver or person having, the care or ordering of such Carriage, as aforesaid, shall forfeit and pay the sum of One Dollar for each and every such Offence, to be recovered as above directed.

Proviso in
favor of
countrymen.

Provided nevertheless, That no prosecution shall be commenced against any Driver of any Cart or Waggon coming from the Country unless by the particular direction and Order of the Selectmen.

Disposal of
fines.

SEC. 8. *And be it further Enacted*, That all the Forfeitures & Fines which may be recovered in pursuance of this Act, shall go and be distributed, one moiety thereof to the poor of the Town of Boston, & the other moiety to the Surveyors of Highways. *Approved June 22, 1799.*

1799. — Chapter 32.

[May Session, ch. 32.]

AN ACT TO RESTRAIN UNINCORPORATED BANKING ASSOCIATIONS & TO PREVENT THE ISSUING OF SMALL BANK NOTES.

SECT. 1. *Be it Enacted by the Senate & House of Representatives, in General Court assembled, & by the authority of the same*, That from and after the passing of this Act no person shall subscribe to or become a Mem-

Unincorporated
banks pro-
hibited.

ber of any Association, Institution or Company, or Proprietor of any Bank or Fund, for the purpose of issuing Notes, receiving Deposits, making Discounts, or transacting any other business, which Incorporated Banks may or do transact by force of their respective Acts of Incorporation, unless such person shall be authorized by Law so to do. And if any person not authorized shall hereafter subscribe or become a Member or Proprietor as aforesaid, he shall forfeit & pay for every such offence, the sum of One Thousand Dollars, to be recovered by any person who shall sue therefor in an Action of Debt, one half thereof to his own use and the other half to the use of this Commonwealth. And all Notes & Securities for the payment of money or delivery of property made or given to any such Association, Institution or Company, not authorized as aforesaid, shall be null & void.

Penalty for
subscribing to
same.

SECT. 2. *Be it further Enacted*, That all unincorporated Associations, Institutions, Companies, or Proprieties formed for any of the purposes aforesaid, that now exist in this Commonwealth, shall, after the first day of March next, cease to issue Notes and to loan money. And any person concerned or interested in the issuing any such Notes, or loaning any money, as aforesaid, after the said first day of March next, he shall forfeit & pay for every such offence the sum of One thousand Dollars, to be recovered and disposed in the manner prescribed in the first Section of this Act.

Existing unin-
corporated
banks sup-
pressed.

Penalty for
issuing notes.

SECT. 3. *Be it further Enacted*, That from and after the first day of September next, no Bank incorporated by the Legislature of this Commonwealth, except Nantucket Bank, shall issue or pay out any Note, by which payment of a less sum than five Dollars is promised, to any person or his order or to Bearer; and any person who shall hold any such Bank Note issued or paid out by any Bank, except Nantucket Bank, after the said first day of September next, shall be entitled to demand & recover of the Bank so issuing the same, the sum of Five Dollars.

Not less than
Five Dollar
bills to be
issued.

Approved June 22, 1799.

1799. — Chapter 33.

[January Session, ch. 1.]

AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT FOR THE PRESERVATION OF THE FISH CALLED SALMON, SHAD AND ALEWIVES, IN THE RIVERS, STREAMS AND WATERS WITHIN THE COUNTIES OF LINCOLN AND CUMBERLAND, AND FOR REPEALING ALL OTHER LAWS HERETOFORE MADE FOR THAT PURPOSE, SO FAR AS RESPECTS THEIR OPERATION IN THE SAID COUNTIES."

Preamble.

Whereas, since the passing the Act aforesaid, the said County of Lincoln has been divided, and the northerly part thereof erected into a County, by the name of Kennebec, and doubts have arisen whether the same Act now operates in said County of Kennebec: Therefore,

The law extended to Kennebec County.

Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That from and after the passing this Act, the law aforesaid, to which this is an addition, shall have the same force and operation in the said County of Kennebec, as it now has in the County of Lincoln.

Approved January 16, 1800.

1799. — Chapter 34.

[January Session, ch. 2.]

AN ACT TO SET OFF THOMAS LOCKE FROM THE TOWN OF BURLINGTON AND ANNEX HIM TO THE TOWN OF LEXINGTON.

Description of estate set off from Burlington.

Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That Thomas Locke, with his family, and his real estate following, to wit, beginning at a black oak tree marked, on the Northeasterly side of the new road, so called; thence south, thirty-six degrees East, to Woburn Line; thence by said Woburn Line Southeasterly to Lexington Line; thence by said Lexington Line Northerly to the Vine Brook, so called, near the Fulling Mill; thence down stream said Brook, and through the Mill Pond, to a Pine Tree marked, standing near the Northwesterly corner of said Mill; thence South, forty six degrees East, to the first bounds, be and he hereby is set off from the town of Burlington, and annexed to the town of Lexington in the County of Middlesex, with all the privileges and subject to all the duties of other inhabitants of said town of Lexington.

Provided nevertheless, That the said Thomas Locke shall be holden to pay all taxes already assessed against him and his said Estate in the town of Burlington aforesaid, & also all State Taxes untill a new state valuation shall be taken, in the same way and manner as he was, before passing this Act, holden to pay the same, any thing in this Act to the Contrary notwithstanding.

Provision re-
specting taxes.

Approved January 20, 1800.

1799. — Chapter 35.

[January Session, ch. 3.]

AN ACT IN ADDITION TO SEVERAL ACTS PASSED RESPECTING
THE MIDDLESEX CANAL.

Whereas the Proprietors of the Middlesex Canal, have, in their Petition, set forth, that from a reservation in the Acts already passed in their favour, the Government has a right to regulate the toll of Goods, carried on the Canal, anew, after the expiration of forty Years, from which reservation, great discouragements and embarrassments have resulted in the Execution of that project, Therefore,

Preamble.

Be it Enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same; That the toll of one sixteenth part of a Dollar for each Ton, carried one mile on the same Canal, be established to the said proprietors and their successors forever; any reservations in the Acts aforesaid, or either of them, respecting the same, to the contrary notwithstanding.

Toll perpetu-
ated.

Approved January 25, 1800.

1799. — Chapter 36.

[January Session, ch. 4.]

AN ACT AUTHORIZING THE PROPRIETORS OF THE EPISCOPAL CHURCH IN NEWBURYPORT, TO APPOINT AN AGENT TO CONVEY CERTAIN REAL ESTATE.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, & by the Authority of the same, That the Proprietors of the Episcopal Church in Newbury Port, at any legal Meeting hereafter to be held, may, by a vote of the Majority then present, appoint an Agent, with powers to transfer and convey to such persons as the said Proprietors shall think proper, the building now occupied by them for the upholding of Public Worship, together with so much of the Proprietor's land

Agent to be
appointed to
transfer prop-
erty.

Proviso.

under and adjoining the same, as shall be covered by a new Church, which such Purchasers may cause to be erected; and that the Deed of such Agent duly executed and acknowledged, shall be sufficient in Law to convey the title of all the present Proprietors to the said Building and Land, in as full and ample a manner as if executed by the said Proprietors individually: *Provided*, That this Act shall be published three weeks successively in the News-paper printed at Newbury Port; and that nothing herein contained, shall affect the rights of any such of the said present Proprietors, as shall, within three Months after such publication, deliver his, her or their dissent in writing, to such sale, to the Clerk of the said Proprietors.

Approved January 25, 1800.

1799. — Chapter 37.

[January Session, ch. 5.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT, DIRECTORS, AND COMPANY OF GLOUCESTER BANK.

Persons incor-
porated.

Title.

Bye-laws, &c.,
to be passed.

Proviso.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the authority of the same*, That John Somes, David Plumer, William Pearce, James Hayes, Eliphalet Davis, Fitz William Sargent and Thomas Parsons, and their associates, Partners in the Company now known by the name of the President, Directors and Company of the Gloucester Bank, their successors and assigns, shall be, and hereby are, created and made a Corporation, by the name of the President, Directors and Company of the Gloucester Bank; and shall so continue, from the first day of February next, untill the expiration of ten years next following; and by that name shall be, and hereby are, made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever; and also to make, have, and use a common seal, and the same again at pleasure to break, alter and renew, and also to ordain, establish and put in execution such bye laws, ordinances and regulations, as to them shall appear necessary and convenient for the Government of said Corporation and the prudent management of their affairs; *provided* such bye-laws, ordinances, and regulations, shall in no wise be contrary to the laws and

Constitution of this Commonwealth; and the said Corporation shall be always subject, to the rules, restrictions, limitations, and provisions herein prescribed.

SECT. 2D. *And be it further enacted*, That the Capital Stock of said Corporation shall consist of forty thousand dollars in specie, and no more, and shall be divided into shares of One hundred dollars each; and the Stockholders, at their first meeting, shall, by a majority of votes, determine the amount of the payments to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the stock and profits thereof; which, being entered in the Books of said Corporation, shall be binding on the Stockholders, their successors, and assigns; *provided* that no Stockholder shall be allowed to borrow at said Bank, untill he shall have paid in his full proportion of said Forty thousand Dollars. And said Corporation are hereby made capable in law, to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and Assigns lands, rents, tenements and hereditaments to the amount of Eight Thousand Dollars, and no more, at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan, and negotiate their monies, and effects by discounting, on Banking principles, on such security as they shall think adviseable. *Provided however*, That nothing herein contained, shall restrain, or prevent said Corporation from taking or holding real estate in mortgage, to any amount, as collateral security for the payment of any debt due to said Corporation.

Capital Stock.

Real Estate.

Proviso.

SECT. 3D. *And be it further enacted*, That the following rules, limitations and provisions, shall form and be the fundamental articles of said Corporation. *First*, the total amount of all discounts, made by the said corporation, and monies loaned by them, by a Credit on their Books, or otherwise, shall not, at any time, exceed double the amount of their Capital stock paid into the Bank, and held to answer the demands against the same; and the said corporation shall not issue, or have in circulation, at any time, bills, notes or obligations to a greater amount than double their stock as aforesaid, in addition to the simple amount of all the specie deposited in said Bank for safe keeping; and in case of any excess, the directors, under whose administration it may happen, shall be liable

Rules &c.

Discounting &c.
restricted.

for the payment of the same in their private capacity ; but this shall not be construed to exempt, said Corporation, or any estate, real or personal, which they may hold, as a Body Corporate, from being also liable for and Chargeable with such excess. *Second*, That the said Corporation, shall not vest, use or improve, any of their monies, goods, chattles, or effects, in Trade or commerce ; but may sell all kinds of personal pledges, lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned. *Third*, That the lands, tenements, and hereditaments, which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business. *Fourth*, None but a member of said Corporation, being a Citizen of this Commonwealth, and resident therein, shall be eligible for a Director ; and the Directors, shall choose one of their own number to act as President. The Cashier, before he enters on the duties of his Office, shall give Bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than Five Thousand Dollars, with condition for the faithfull discharge of the duties of his Office. *Fifth*, no director of any other Bank, shall be eligible to the office of director of this Bank, although he may be a Stockholder therein ; and any director, accepting an Office in any other Bank, shall be deemed to have vacated his place in this Bank. *Sixth*, That for the well ordering of the affairs of said Corporation, a Meeting of the Stockholders shall be held, in such place as they shall direct, on the third Thursday of April, annually, and at any other time, during the continuance of said Corporation, at such place as shall be appointed by the President & Directors for the time being, by public notification given, or by notice being sent to their respective habitations, one week previous thereto ; at which annual meeting, there shall be chosen, by ballot, seven Directors, to continue in office, the year ensuing their election ; and the number of votes to which each Stock-holder shall be entitled, shall be according to the number of Shares he shall hold, in the following proportions ; that is to say, For one share, and not four, one vote ; for four shares and not eight, two votes ; for eight shares, and not twelve, three votes ; for twelve shares, and not sixteen, four votes ; for sixteen shares, and not twenty, five votes ; for twenty shares, and not twenty five, six votes ; for twenty five shares, and

Corporation not to trade.

Directors.

President.

Cashier.

Stockholders meeting.

Voting.

not thirty, seven votes; for thirty shares, and not thirty five, eight votes; for thirty five shares, and not forty, nine votes; and for forty shares, ten votes; *provided* no one member shall have more than ten votes; and absent members may vote by proxy, being authorized in writing.

Seventh, No director shall be entitled to any emolument for his services; but the Stock-holders may make the President, such compensation as to them shall appear

President to be paid; but not Directors.

reasonable. *Eighth*, Not less than four directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case, the directors present may choose a chairman, for the time being, in his stead. *Ninth*, All Bills, issued from the Bank

Board of Directors.

aforesaid, and signed by the President, shall be binding on said Corporation; but it shall not be lawfull for them to issue any bills of a less denomination than five dollars.

Bank Bills.

Tenth, The Directors shall make half yearly dividends of all the profits, rents, premiums, and interest of the Bank aforesaid. *Eleventh*, The Directors shall have power, to

Dividends.

appoint a Cashier, Clerks, and such Officers, for carrying on the business of the Bank, with such salaries, as to them shall seem meet.

Assistant Officers.

SECT. 4TH. *And be it further enacted*, that the said Bank shall be established and kept in the town of Gloucester aforesaid.

Place of the Bank.

And whereas it is repugnant to the principles of a free Government, that the property of any of its Citizens, should be placed out of the reach of any of their just Creditors:

SECT. 5TH. *Be it further enacted*, That the property of every individual member of said Corporation, vested in said Corporate funds, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *Bona fide* creditors, in manner following; namely, in addition to the summons by law prescribed to be left with the Debtor, a like summons shall be left with the Cashier of said Bank; and the debtor's share or shares in the Corporate funds, together with the Interest, rents, and profits due, or growing due thereon, shall thereby be held to respond said suit according to law; and all transfers of the debtor's shares in the said Corporate funds, not noted in the Bank Books, previous to the delivery of such summons, shall be barred thereby; and Execution may

Process, &c. in the attachment of shares.

be levied on the property of any Stock-holder in said Bank, and his Shares therein, exposed to Sale, in the same manner, as is by law provided, where personal estate is taken in execution; and it shall be the duty of the Officer, who extends such execution, to leave an attested Copy thereof, with his doings thereon, with the Cashier of said Bank; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privileges, as a member of said Corporation, that the debtor was previously entitled to; and upon any attachment being made, or execution levied on any share in said Bank, it shall be the duty of the Cashier of said Bank, to expose the Books of said Corporation, to the Officer, so far as respects the number of shares said debtor may own; and to furnish him with a Certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividend thereon due.

Incorporation
to be made void
by a violation
of rules.

SECT. 6TH. *And be it further enacted*, That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their Books; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions, in this Act Provided, their incorporation shall thereupon be declared forfeited and void.

First meeting.

SECT. 7TH. *And be it further enacted*, That the persons herein before named, or any four of them, are authorized to call a meeting of the members and Stockholders of said Corporation, as soon as may be, at such time and place, as they may see fit, by advertizing the same, for three weeks successively, in the Salem Gazette, or by notice being sent to their respective Habitations, seven days previous to such meeting, for the purpose of making, ordaining, and establishing such bye-laws, ordinances, and regulations for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first Board of directors, and such other officers, as they shall see fit to choose.

SECT. 8TH. *And be it further enacted*, That it shall be the duty of the Directors of said Bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in twelve months, at least, and as much oftener as they may require, accurate and just statements of the amount of the Capital Stock of said Corporation, and of debts due to the same, of the monies deposited therein, of the Notes in circulation, and of the Cash on hand; which Statements shall be signed by the Directors, and Attested by the Cashier.

Annual statement to be made.

Approved January 27, 1800.

1799. — Chapter 38.

[January Session, ch. 6.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWN OF WINTHROP, IN THE COUNTY OF KENNEBECK, INTO A RELIGIOUS SOCIETY BY THE NAME OF THE "FIRST CONGREGATIONAL SOCIETY IN WINTHROP."

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Samuel Wood, Joseph Metcalf, Nathaniel Fairbanks, Nathaniel Smith, Moses Frost, Nathaniel Morton, John Chandler, jun. Micah Barrows, Reuben Brainard, Noah Morrill, Isaac Smith, Jonathan Whiting, Jonathan Whiting, junior, James Prescott, Solomon Esty, John White, John Kezer, Henry Wood, Enoch Wood, Joseph Matthews, Barzillai Delano, Adin Stanley, Simon Page, Simon Page junr. Odlin Prescott, Elijah Wood, Sampson Davis, Jonathan Pullen, Peter Gale, John Cole, Josiah Cushman, Benjamin Read, Livy Morton, Ebenezer Morton, Charles Harris, Ebenezer More, Jenness Fowle, Amos Stevens, Amos Stevens, Junr. Daniel Stevens, Unite Brown, William Brown, Jonas Stevens, William Stevens, Ebenezer Davenport, Elijah Davenport, Amos Perley, Samuel Morrill, Jonathan Currier, John Turner, James Atkinson, Solomon Fowle, David Chandler, John Streeter, Jonathan Thurston, Richard Gower, Zebediah Sweet, Peleg Benson, Henry Stanley, Josiah Bacon, Moses Joy, Peter Stanley, Solomon Stanley, Thomas Ladd, Nathaniel Fellows, Jeremiah Brown, Andrew Wood, Nathaniel Marston, Jonathan Hillard, John May, Silas Lambert, William Pullen, Mordecai Morton, Gideon Lambert, Moses Wood, Jesse

Persons incorporated.

Sweet, Nathan Richmond, Daniel Marrow, junr. Jonathan Pullen, jun. Josiah Tilton, Isaac Shaw, James Pullen, Elijah Prescott, Ebenezer Barrows, John Pullen, Liberty Stanley, Obed Leach, Abiel Smith, Squire Bishop and Stephen Pullen, together with their polls and estates be and they are hereby incorporated into a Society by the name of “the First Congregational Society in Winthrop,” with all the privileges, powers and immunities, to which Parishes are by Law entitled in this Commonwealth.

Corporate name.

How to become a member.

SECT. 2. *Be it further Enacted*, That any person in the said town of Winthrop, who may at any time hereafter actually become a Member of and unite in Religious Worship with the said First Congregational Society, and give in his or her name to the Town Clerk of said Winthrop, with a Certificate, signed by the Minister or Clerk of said Society, that he or she has actually become a Member of and united in Religious Worship with the said Society in Winthrop, fourteen days previous to the Town Meeting therein to be held, in the Month of March or April Annually, shall, from and after giving such Certificate, with his or her polls and estates, be considered as a Member of said Society.

First meeting.

SECT. 3. *And be it further Enacted*, That Samuel Wood, Esqr. be, and he hereby is authorized to issue his Warrant directed to some Member of said Society, requesting him to notify all the members thereof, qualified to vote in Parish affairs, to assemble at some suitable time and place in said Town of Winthrop, to choose such Officers as Parishes are by Law required to choose in the Month of March or April annually, and to transact all other matters and things necessary to be done in said Society.

Approved January 31, 1800.

1799. — Chapter 39.

[January Session, ch. 7.]

AN ACT FOR DETERMINING AT WHAT TIMES AND PLACES THE SEVERAL COURTS OF GENERAL SESSIONS OF THE PEACE AND COURTS OF COMMON PLEAS SHALL BE HOLDEN, WITHIN AND FOR THE COUNTY OF LINCOLN, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same*, That all the Laws heretofore made, and now in force, determining the times and places for

Former laws repealed.

holding the Several Courts of General Sessions of the Peace and Courts of Common Pleas, within and for the County of Lincoln, so far as respects the times and places for holding the said Courts, be, and they hereby are repealed.

SECT. 2D. *And be it further enacted*, That the times and places for holding the Courts of General Sessions of the Peace, and Courts of Common Pleas within and for the County of Lincoln, shall be as follows; to wit, at Pownalborough, on the first Tuesday of June; at Tops-ham, on the second Tuesday of September; and at Warren, on the Second Tuesday of January annually.

Time for hold-
ing courts.

Approved February 4, 1800.

1799. — Chapter 40.

[January Session, ch. 8.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CONNECTICUT RIVER, IN THE COUNTY OF HAMPSHIRE, AND FOR SUPPORTING THE SAME."

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, And by the Authority of the same*, That the Corporation, constituted and made in and by the Act the title whereof is above recited, be, and hereby is authorized and permitted to erect a Bridge over Connecticut River at any suitable place between Coss' Island and the Mouth of Deerfield river, instead of being limited in the erection of such Bridge, to the place expressed and provided in the said Act to which this is in Addition, any thing in the before mentioned Act to the contrary notwithstanding; under the same rules, regulations, rights, liberties, duties, and restrictions in every other respect, as are provided, granted, and allowed in the Act aforesaid; excepting that the said Corporation are hereby allowed the further and additional time of one year, from the first day of May in the year of our Lord one thousand, eight hundred and one, to erect the Bridge aforesaid.

Restriction
revoked.

SECT. 2D. *And be it further enacted*, That the Shares in said Bridge, shall be taken, deemed and considered as personal estate to all intents & purposes; and the mode of transferring said Shares shall be by deed acknowledged before any Justice of the Peace, and recorded by the Clerk

Shares declared
personal estate.
Mode of trans-
fer and attach-
ment.

of the said Corporation in a Book to be kept for that purpose; and when any of said shares shall be attached on *mesne process*, an Attested Copy of such process shall, at the time of the attachment, be left with the Clerk of the said Corporation; and the Officer making the service shall certify on such Copy, whose and how many shares he shall have attached by virtue of the writ to him directed; otherwise, such attachment shall be void. And the share or shares of any proprietor may be sold on execution, in the same manner as is, or may be by law, provided for the sale of personal property by execution; the Officer making the Sale, or the Judgment Creditor leaving a Copy of the execution and of the Officer's return on the same, with the Clerk of the said Corporation within ten days after such sale, & paying for the recording of the same.

Approved February 4, 1800.

1799. — Chapter 41.

[January Session, ch. 10.]

AN ACT TO ALTER THE APPROPRIATION OF THE SUM OF TWO HUNDRED POUNDS PER ANNUM, MADE BY AN ACT, PASSED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY SIX, ENTITLED, "AN ACT TO ALTER THE APPROPRIATION OF THE SUM OF TWO HUNDRED POUNDS, PAYABLE ANNUALLY BY THE PROPRIETORS OF WEST BOSTON BRIDGE TO THE UNIVERSITY OF HARVARD COLLEGE."

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the appropriation of the sum of Two hundred pounds per annum, made by an Act passed in the year of our Lord, one thousand, seven hundred and ninety six, entitled, "An Act to alter the appropriation of the sum of Two hundred pounds, payable annually by the Proprietors of West Boston Bridge, to the University of Harvard College," be so far altered, as that the President and Fellows, with the approbation of the Overseers of the said College, shall have a discretionary power to apply the said sum, or any part thereof, to the support of one or two permanent Tutors in the said University, as the Funds and the Interest of the said College, shall, in their opinion, require.

SECT. 2. *And be it further Enacted*, That the said permanent Tutor or Tutors, shall and may be displaced for inability, insanity or any other incapacity, or for any

Conditional
discretionary
power given.

other just and reasonable cause, at the discretion of the said President and Fellows, with the consent and approbation of the Overseers of the said College.

Approved February 6, 1800.

1799. — Chapter 42.

[January Session, ch. 9.]

AN ACT TO INCORPORATE HUGH McLELLAN, AND OTHERS, INTO A COMPANY BY THE NAME OF THE MAINE FIRE AND MARINE INSURANCE COMPANY.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Hugh McLellan, and others, and all such persons as have already, or hereafter shall become Stock-holders in said Company, being Citizens of the United States, be, and hereby are incorporated into a Company & Body Politic, by the name of the Maine Fire and Marine Insurance Company, for and during the term of Twenty years after the passing of this Act, and by that name may sue and be sued, plead, or be impleaded, appear, prosecute, and defend, to final Judgment and execution, and have a common seal, which they may alter at pleasure, and may purchase, hold, and convey, any estate, real or personal, for the use of said Company, subject to the restrictions herein after mentioned.

Corporate
name, &c.

SECT. 2D. *Be it further enacted,* That a share in the capital stock of the said Company shall be One hundred dollars, and the number of shares, shall not be less, than One Thousand, nor more than Six thousand. And if the said number of shares are not already filled, subscriptions shall be kept open under the inspection of the President and Directors of the said Company, untill the same shall be filled; and the whole capital stock, estate, or property, which the said Company shall be authorized to hold, shall never exceed six hundred thousand dollars, exclusive of premium notes, or profits, arising from said business; of which capital stock or property Twenty thousand dollars only shall be invested in real estate.

Shares.

Capital.

SECT. 3D. *Be it further enacted,* That the stock, property, affairs, and concerns, of the said Company, shall be managed and conducted by Nine directors, one of whom shall be the President thereof; who shall hold their offices for one year, and untill others shall be chosen,

Directors.

President.

and no longer ; which Directors shall, at the time of their election, be Stock-holders and Citizens of this Commonwealth, and shall be elected on the first Tuesday in January, in each and every year, at such times of the day, and at such place in the town of Portland, as a majority of the Directors, for the time being, shall appoint ; of which election public notice shall be given, in at least two of the newspapers printed in the town of Portland, and continued for the space of twenty days immediately preceding such election. And such election shall be holden under the inspection of three Stock-holders, not being directors, to be appointed previous to every election by the directors, and shall be made by Ballot, by a Majority of votes of the Stock-holders present, allowing one vote to each Share in the capital stock ; *Provided*, that no stockholder shall be allowed more than Thirty votes. And the Stock-holders not present, may vote by proxy, under such regulations, as the said Company shall prescribe. And in case of any unavoidable accident, the said Directors should not be chosen on the said first Tuesday in January, as aforesaid, it shall be lawful to choose them on another day, in manner herein prescribed.

SECT. 4TH. *Be it further enacted*, That the Directors so chosen shall meet as soon as may be after every election, and shall choose out of their body one person to be President, who shall preside for one year, and be sworn faithfully to discharge the duties of his office ; and in case of the death, resignation, or inability to serve, of the President, or any Director, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner, as is herein before directed, respecting annual Elections for Directors and President.

SECT. 5TH. *Be it further enacted*, That the President and four of the Directors, (or five of the Directors in the absence of the President) shall be a board competent to transact business ; and all questions before them shall be decided by a majority of votes ; and they shall have power to make & prescribe such bye-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of said Company, and the transfer of the shares, and touching the duties and conduct of the several officers, clerks, & servants employed, and the election of Directors,

Board of
Directors.

Bye-laws, &c.

and all such matters as appertain to the business of Insurance; and shall also have power to appoint a Secretary, and so many Clerks and Servants, for carrying on the said business, and with such salaries and allowances to them, and to the President, as to the said board shall seem meet: *Provided*, that such bye-laws, rules, & regulations, shall not be repugnant to the Constitution or Laws of this Commonwealth.

Assistant officers.

SECT. 6TH. *Be it further enacted*, That there shall be stated meetings of the Directors, at least once in every month, and as often within each month as the President and Board of Directors shall deem proper; and the President and a Committee of three of the Directors, to be by him appointed in rotation, shall assemble daily, if need be, for the dispatch of business; and the said Board of Directors, and the Committee aforesaid, at, and during the pleasure of the said Board, shall have power and authority, on behalf of the Company, to make Insurance upon vessels, freight and goods, and against captivity of persons, and on the life of any person during his absence by sea, and in cases of money lent upon bottomry and respondentia, and are also authorised to make insurance on any Mansion House or other building, and on the goods and property therein contained, within this Commonwealth, against damage arising to the same by fire, originating in any cause, except that of design in the Insured; and to fix the premiums and terms of payment; and all policies of Insurance by them made, shall be subscribed by the President, or in case of his death, sickness, inability or absence, by any two of the Directors, and countersigned by the Secretary, and shall be binding and obligatory upon the said Company, and have the like effect and force, as if under the seal of said Company; and the assured may thereupon maintain an action upon the case against the said Company; and all losses duly arising under any policy so subscribed, may be adjusted and settled by the President and Board of Directors, and the same shall be binding on the Company.

Directors' meetings.

Nature and scope of business permitted.

Policies.

SECT. 7TH. *Be it further enacted*, That it shall be the duty of the Directors, on the second Tuesday of June & December, in every year, to make dividends of so much of the Interest arising from the Capital Stock, and the profits of the said Company, as to them shall appear advisable; but the monies received and notes taken for

Dividends.

Case of capital stock being lessened.

Statement to stockholders.

Disposition of capital stock.

Payment of installments regulated.

Persons ineligible as Directors.

premiums on risks which shall be undetermined, and outstanding, at the time of making such dividends, shall not be considered as part of the profits of the Company; and in case of any loss or losses, whereby the capital stock of the Company, shall be lessened, each Proprietor's or Stockholder's estate shall be held accountable for the deficiency that may be due on his share or shares, at the time of said loss or losses taking place, to be paid into the said Company by assessments, or such other mode, and at such time or times as the Directors shall order; and no subsequent dividend shall be made, until a sum equal to such diminution, shall have been added to the Capital; and that once in every two years, and oftener, if required by a majority of votes of the Stockholders, the directors shall lay before the Stockholders, at a General meeting, an exact and particular statement of the profits if any there be, after deducting losses and dividends.

SECT. 8. *Be it further enacted*, That the said Company shall not directly, or indirectly deal or trade in buying or selling any goods, wares, merchandize, or commodities, whatsoever; and the Capital stock of said Company, after being collected at each installment, shall, within One hundred & twenty days, be invested either in the Funded Debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other Officers which the Proprietors shall for such purpose appoint.

SECT. 9TH. *Be it further enacted*, That twenty dollars on each share in said Company shall be paid within sixty days, after the first meeting of the said Company, and the remaining sum due on each share, within five years afterwards, at such equal installments, and under such penalties, as the said Company shall direct; and no transfer of any share in said Company, shall be permitted, or be valid, untill all the installments on such share shall have been paid.

SECT. 10TH. *Be it further enacted*, That no person, being either singly, or as partner with one or more persons, a member of any other Company, carrying on the business of Fire & Marine Insurance, shall be eligible as a Director of the Company by this Act established.

SECT. 11TH. *Be it further enacted*, That the property of any member of said Company, vested in the Stock of said Company, shall be liable to attachment, and to the payment & satisfaction of his just debts to any of his *Bona fide* creditors, in manner following, to wit, in addition to the summons by law prescribed to be left with the defendant, a like summons shall be left with the Secretary of said Company, and the Debtor's shares in the said Company's funds, together with the Interest & profits due or growing due thereon, or so much thereof as shall be sufficient, shall thereby be held to respond said suit according to Law; and all transfers of the Debtors shares, not noted in the Books of the Company, previous to the delivery of such summons, shall be barred thereby; & execution may be levied upon the property of any Stockholder in said Company, and his Share or Shares therein exposed to Sale, in the same manner as is by Law prescribed, where personal estate is taken in execution; and it shall be the duty of the Officer, who extends such execution, to leave an attested Copy thereof, with his doings thereon, with the Secretary of said Company; and the purchasers shall ther[e]upon be entitled to the reception of all dividends & Stocks which the debtor was previously entitled to. And upon any attachment being made, or execution levied on any shares in said Company, it shall be the duty of the Secretary of said Company, to expose the Books of the Company, to the Officer, & to furnish him with a Certificate, under his hand, in his official capacity, ascertaining the number of Shares the debtor holds in said Company, and the Amount of the dividends due thereon.

Shares liable to attachment.

SECT. 12TH. *Be it further enacted*, That in case of any loss or losses taking place, that shall be equal to the amount of the Capital stock of the said Company, & the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of Insurance, their estates, jointly and severally, shall be accountable for the amount of any & every loss that shall take place under policies thus subscribed.

Private estates liable in certain case

SECT. 13TH. *Be it further enacted*, That the President & Directors of said Company shall, previous to their subscribing to any policy, & once in every year after, publish in two Newspapers, printed in Portland, the amount of their stock, against what risque they mean to ensure, & the largest sum they mean to take on any one risque.

Yearly publication of stock, &c.

Statement to be made to legislature when required.

SECT. 14TH. *Be it further enacted*, That the President and Directors of said Company shall, when & as often as required by the Legislature of this Commonwealth, lay before them a statement of the affairs of said Company, & submit to an examination concerning the same under Oath.

First meeting.

SECT. 15TH. *And be it further enacted*, That Hugh McLellan, Arthur McLellan & Daniel Tucker are hereby authorised to call a meeting of the members of said company as soon as may be, in Portland, by advertising the same for the three weeks successively in two of the Newspapers printed in said town, for the purpose of electing the first board of Directors, who shall continue in office untill the first Tuesday of January next following.

Approved February 7, 1800.

1799. — Chapter 43.

[January Session, ch. 11.]

AN ACT TO ENABLE THE PROPRIETORS OF A CERTAIN PIECE OF ROUGH SALT MARSH, SITUATE IN THE TOWN OF ROWLEY, IN THE COUNTY OF ESSEX, TO MAKE AND MAINTAIN A DIKE, FOR THE BETTER IMPROVING THE SAME.

Proprietors.

Whereas Thomas Mighill, Nathaniel Gage, Moses Richards, John Gage, Humphry Hobson, John Scott, Samuel Lancaster, Nelson Todd, Edward Sanders, Mark Cresey, Nathaniel Bradstreet, Jonathan Lambert, Jacob Pickard, Junr., Thomas Gage, Apphia Lambert, and Jacob Jewett, proprietors of a tract of rough marsh in Rowley, containing about Seventy-nine Acres, lying within the lines hereafter described, viz: Bounding Southerly on the road leading to the Stackyard in part, and in part on the Stackyard Islands; Easterly on marshes of Joseph Searl, Moses Richards, Jonathan Chaplin, and Thomas Mighill, Esquire; Northerly on the far-division Islands, (so called) & Marsh of Humphry Hobson; Westerly in part on one of the far-division Islands, in part on marsh of Nathaniel Gage, and in part on upland, known by the name of East Marshfield, to the bounds first mentioned, having requested the General Court to authorise them to make a Dike, for the purpose of preventing said marsh, from being flowed by Salt water, and it appearing to this Court, that improvements might thereby be made in said marsh, which would be beneficial to the Proprietors, as well as to the public;

Boundaries.

SECT. 1ST. *Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the proprietors, Tax to be levied. for the time being, of the marsh aforesaid, be, and they hereby are authorised and empowered, from time to time, to raise, by an assessment or tax, to be levied on all the proprietors of said marsh, lying within the dike to be made, as aforesaid, according to the Interest they severally shall have therein, such sum or sums for defraying the charges of making and maintaining said Dike, as shall be agreed upon by the said proprietors, or the major part of such of them, as shall be assembled at any legal meeting to be called for that purpose; the meetings of the said proprietors to be called & conducted in the same manner as is provided for calling and conducting proprietors' meetings, by an Act, entitled, "An Act for the better managing, Lands, wharves, and other real estate lying in common."

And the said proprietors are hereby authorised and im- Officers. powered, at any legal meeting thereof, to choose all such officers, as may be necessary for managing the business aforesaid, in the same manner as is provided for the choice of Officers in the Act aforesaid.

SECT. 2. *Be it further enacted by the authority aforesaid,* That if any of the proprietors of the said Marsh shall refuse or neglect to pay the sum or sums of money, duly assessed on him, for the space of six months after such assessment shall have been shewn him, or a copy thereof left at his usual place of abode, then the said Proprietors, Case of refusal to pay assessments. for the purpose of collecting the monies in such assessment, are hereby fully empowered, from time to time, at Public vendue, to sell and convey so much of such delinquent proprietor's part of said marsh, as will be sufficient to pay and satisfy the sum or sums assessed upon such delinquent proprietor as aforesaid, and all reasonable charges attending such sales, to any person that will give most for the same; notice of such sale, and the time and place thereof, being given, by posting an advertisement thereof in some public place in the Town of Rowley, six weeks, before the time of such Sale; and the said proprietors may, by their Clerk, or by a Committee chosen for that purpose, execute a good Deed or Deeds of conveyance of the part of the said marsh so sold, unto the purchaser thereof, to hold in fee simple.

Proviso.

Provided nevertheless, That the proprietor or proprietors, whose part or share shall be sold as aforesaid, shall have liberty to redeem the same at any time, within one year after such sale, by paying the sum such part or share sold for, & charges, together with the sum of Six dollars for every hundred Dollars produced by such Sale, & so in proportion for a greater or less sum.

General authority given.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said Proprietors are hereby empowered to order and manage all affairs, relative to the making and maintaining of the dike aforesaid, in such way & manner, as shall be concluded and agreed on by the Major part of those who are therein interested, present at a legal meeting; the votes to be collected according to the Interest of the said proprietors. *Approved February 13, 1800.*

1799. — Chapter 44.

[January Session, ch. 12.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT AND DIRECTORS OF THE MERRIMACK BANK."

Capital increased.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Capital Stock of said Corporation may be increased the sum of One hundred Thousand Dollars, in addition to the sum of One hundred and Fifty Thousand Dollars, which the said Corporation is allowed to hold by the Act, to which this is in addition; so that the whole Capital Stock thereof shall not exceed the sum of Two hundred and Fifty Thousand Dollars in specie; and shall be divided into shares of Five hundred Dollars each, any thing in the said Act, to which this is in addition, to the contrary notwithstanding.

New subscriptions.

SECT. 2. *Be it further Enacted*, That all the sums which may be added to the Capital Stock of said Corporation under the authority of this Act, shall be subscribed and paid in, under the Controul of the Directors thereof, for the time being, and by such persons and in such time and manner, as they shall order and direct.

Approved February 21, 1800.

1799. — Chapter 45.

[January Session, ch. 15.]

AN ACT TO ALTER THE TIME OF HOLDING THE COURTS OF COMMON PLEAS AND GENERAL SESSIONS OF THE PEACE, NOW BY LAW HOLDEN AT PORTLAND, WITHIN AND FOR THE COUNTY OF CUMBERLAND ON THE LAST TUESDAY OF APRIL.

Whereas divers inconveniences attend the holding of the said Court on the said last Tuesday of April, and the Justices of said Courts have petitioned this Court to alter the same; Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Courts of Common Pleas, and General Sessions of the Peace, which by law are now appointed to be holden at Portland, within and for the County of Cumberland on the last Tuesday of April annually, shall hereafter be holden at said Portland, within and for said County of Cumberland, on the last Tuesday of March Annually. And all writs, Processes, Matters and things, which might have been returnable to, have day in, be heard and determined at the Court of General Sessions of the Peace & Court of Common Pleas, which was to have been holden at said Portland on the last Tuesday of April next, shall be returnable to, have day in, be heard and determined at the said Courts, to be holden by virtue of this Act, at said Portland, on the last Tuesday of March next. New time for holding the Courts.

Approved February 21, 1800.

1799. — Chapter 46.

[January Session, ch. 13.]

AN ACT TO INCORPORATE THE PLANTATION HERETOFORE CALLED NEW PENNYCOOK, IN THE COUNTY OF CUMBERLAND, INTO A TOWN BY THE NAME OF RUMFORD.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That the plantation heretofore known by the name of New Penny-cook, in the County of Cumberland, & as described in the following bounds, together with the Inhabitants thereon, be, and hereby are incorporated into a Town by the name of Rumford. Beginning at a hemlock tree standing on the line of the town of Bethel, thence running north, eighteen degrees and an* Boundaries.

half West, crossing the river Ameriscoggin, seven miles & forty rods, to a spruce tree; then turning and running North, Seventy-one and an half degrees East, seven miles and forty rods to a beach tree; then turning & running eighteen and an half degrees East, crossing Ameriscoggen river again, seven miles & forty rods, to another beach tree, then turning and running South, Seventy-one degrees and an half degree West, seven miles & forty rods, to the bound first mentioned. And the said town are hereby vested with all the powers, privileges, and immunities, which other towns do or may enjoy by the Constitution & Laws of this Commonwealth.

First meeting.

SECT. 2D. *And be it further enacted*, That Job Eastman, Esqr. be, & hereby is authorised to issue his warrant, directed to some suitable Inhabitant of the said town, requiring him to notify & warn the Inhabitants thereof to meet at such time and place as he shall appoint, to choose all such officers as towns are by law required to choose in the Months of March or April annually.

Approved February 21, 1800.

1799. — Chapter 47.

[January Session, ch. 14.]

AN ACT TO INCORPORATE THE PLANTATION CALLED NUMBER TWO, LYING ON THE EAST SIDE OF PENOBSCOT RIVER, INTO A TOWN BY THE NAME OF ORLAND.

Boundaries.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same*, That the plantation called Number Two, in the County of Hancock, lying on the East side of Penobscot River, as described within the following boundaries, together with the Inhabitants thereon, be, and hereby are incorporated into a town by the name of Orland; Beginning at the North west corner of the town of Penobscot, on the Eastern shore of Eastern River, at the mouth, thence running North, seventy-nine degrees east, Eight miles, and One hundred & twenty rods, to the North-east corner of the said town of Penobscot, & the northern line of the Township Number Six; thence North, Thirty-six degrees East, on the line of the said Number Six, to the Southwest corner of the township Number Seven, (incorporated the present session, by the name of Ellsworth) three miles & fifty rods; thence North, twenty-

six Degrees West, six miles & forty rods, on the Northern line of said Ellsworth to the Southeast corner of Buckston; thence South, fifty-two degrees West, on the South-Side of Buckston to Eastern River (so called); thence down said River as it runs, to a stake on the Marsh in Duck Cove, on the North side of said River; thence South, fifty-two Degrees & one half West, on said South-side of Buckston, to the Thoroughfare, (so called), thence down said Thoroughfare, and Eastern River, by Grose's point, to the first mentioned bound. And the said town is hereby vested with all the powers, privileges & immunities which other towns do, or may be entitled to enjoy, by the Constitution & Laws of this Commonwealth.

SECT. 2D. *And be it further Enacted*, That Oliver Leonard, Esquire, is hereby authorised to issue his warrant, directed to some suitable Inhabitant of said Town of Orland, requiring him to notify and warn the Inhabitants thereof, qualified to vote in town affairs, to meet at such time and place as shall be expressed in his said Warrant, to choose all such town officers as towns are by Law required to choose in the Month of March or April annually.

First meeting.

Approved February 21, 1800.

1799. — Chapter 48.

[January Session, ch. 16.]

AN ACT FOR ESTABLISHING A CORPORATION BY THE NAME OF THE EIGHTH MASSACHUSETTS TURNPIKE CORPORATION.

Whereas the Highway leading from the East line of the Town of Russell, in the County of Hampshire, through the said Towns of Russell, Blandford, Norwich and Chester, in the said County of Hampshire, and Becket, Washington and Dalton, to the South line of the Town of Pittsfield, in the County of Berkshire, is rocky and mountainous, and the expence of straitening, making and repairing the same through the said Towns, so that the same may be conveniently travelled with Horses and Carriages, is much greater than reasonably ought to be required of said Towns;

Preamble.

SECT. 1. *Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That Joseph Stebbins, James S. Dwight, George Bliss, Zebina Stebbins, Alexander Bliss, William Smith, Jeremiah Wadsworth, John Caldwell, John Morgan, Joseph Hart, Christopher Lef-

Persons incorporated.

Corporate
name.Road pre-
scribed.

fingwell, Justin Ely, Peletiah Bliss, Jeremiah Stebbins, Jonathan Smith, Samuel Mather, Warham Parks, William Shepard, James Taylor, Zachariah Bush, Ashbel Eager, Adnah Sacket, Israel Ashley, Noah Phelps, Titus Doolittle, Reuben Parks, Daniel Falley, David Mack, James Gilman, Oliver Bush, Elias Leonard, James Harris, Hiram Messenger, Henry Vanschaach, Moses Rigsbee, Azariah Eggleston, Seth Lathrop, Samuel Lathrop, Silas King, William Pyncheon, Samuel Lyman, Horace White, Heman Day, John Hooker, John Ingersoll, Elijah Bates, William King, Samuel Fowler, and all such persons as shall be associated with them, and their Successors, be, and they hereby are constituted a Corporation, by the name of "The Eighth Massachusetts Turnpike Corporation," and shall, by that name, sue and be sued, and shall have a Common Seal, and enjoy all the privileges and powers which are by Law incident to Corporations, for the purpose of laying out and making a Turnpike road: to begin at the line between the Towns of Westfield and Russell, in the road near Westfield River, on the South-side thereof, thence to run by said River, through parts of the Towns of Russell and Blandford to Falley's Store; thence by the West branch (so called) of the same River through parts of the Towns of Blandford and Chester, to the House of Elias Leonard; thence by the road, commonly called Government Road, into Becket; the Turnpike to vary from said Government Road, so as to connect with that from Blandford to Pittsfield, either above or below the Meeting House in said Becket, as upon admeasurement and actual experiment, shall be found nearest and best calculated for a durable Road; thence by the usual Road from Becket Meeting House, to Pittsfield line, with such variation only therefrom, as the nature of the Ground, and the avoidance of hills difficult and dangerous of passage, shall require, and making the same in such place or places as the said Corporation shall choose, and for keeping the same in repair; which Road shall not be less than four rods wide, and the path to be travelled in not less than Eighteen Feet wide in any place; and that when the said Turnpike Road shall be sufficiently made, and approved of by a Committee appointed by the Court of General Sessions of the Peace for the respective Counties of Hampshire and Berkshire for that purpose, then the said Corporation shall be authorized to erect three

Turnpike Gates on the same, in such manner as the said Committee shall judge necessary and convenient for collecting the Toll, and shall be entitled to receive of each Traveller or Passenger, at each of the said Gates, the following rate of toll, vizt. For every Coach, Phaeton, Chariot or other four-wheel Carriage, drawn by two horses, twenty-five cents; and if drawn by more than two horses, an additional sum of four cents for each horse; for every Cart or Waggon, drawn by two oxen or horses, ten cents; and if drawn by more than two oxen or horses, an additional sum of three cents for each ox or horse; for every Curricie, twelve cents & five milles; for every Chaise, Chair or other Carriage, drawn by one horse, twelve cents & five milles; for every man and horse, five cents; for every Sled or Sleigh, drawn by two oxen or horses, seven cents; if drawn by more than two oxen or horses, an additional sum of two cents for each ox or horse; for every Sled or Sleigh drawn by one horse five cents; for all horses, mules, oxen or neat cattle, led or driven, besides those in Teams and Carriages, one cent each; for all Sheep or swine at the rate of three cents per dozen. *Provided*, That the said Corporation may, if they see fit, commute the rate of Toll with any person, or with the Inhabitants of any Town, through which the said Road passes, by taking of him or them, a certain sum annually, to be mutually agreed on, in lieu of the Toll aforesaid.

Toll.

Proviso.

SECT. 2. *And be it further Enacted*, That the said Corporation may purchase and hold Land, over which they may make said Road; and the Justices of the Court of General Sessions of the Peace, in the County where the said Road is, are hereby authorized, on application of said Corporation, to lay out said Road, or any part thereof, within their respective Jurisdictions, as, with the consent of said Corporation, they shall think proper. And the said Corporation shall be liable to pay all damages that shall arise to any person by taking his Land for such road, when the same cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace, in the County where such damage shall arise, saving to either party the right of Trial by Jury, according to the Law which makes provision for the recovery of damages arising from the laying out of Highways.

Court of Sessions to lay out road.

Persons whose lands are taken to be compensated.

Penalty for
delaying pas-
sengers.

SECT. 3. *And be it further Enacted*, That if the said Corporation, their Toll-Gatherers, or others in their employ, shall unreasonably delay or hinder any Traveller or Passenger at said Gates, or shall demand or receive more Toll than is by this Act established, the Corporation shall forfeit and pay a sum not exceeding Ten Dollars nor less than One Dollar, to be recovered before any Justice of the Peace of the County where the Offence shall be committed, by any person injured, delayed or defrauded, in a special Action of the case; the writ in which shall be served on said Corporation, by leaving a copy of the same with the Treasurer, or any individual Member, at least seven days before the day of Trial. And the Treasurer of said Corporation, or any individual Member, shall be allowed to defend the same suit in behalf of the said Corporation. And the said Corporation shall be liable to pay all damages that shall happen to any person from whom the Toll is demandable, from defect of Bridges, or want of repairs in said way; and shall also be liable to presentment by the Grand Jury for not keeping the same way in repair.

Case of damage
by badness of
road.

Penalty for
evading toll.

SECT. 4. *And be it further Enacted*, That if any person shall cut, break down, or otherwise destroy any of said Turnpike Gates, or shall dig up or carry away any earth from said road, or in any manner damage the same, or shall forcibly pass, or attempt to pass by force, the said Gate, without having first paid the legal Toll, at such Gate, such person shall forfeit and pay a fine not exceeding Forty Dollars, nor less than Two Dollars, to be recovered by the Treasurer of said Corporation, to their use, in an action of Trespass on the case; and if any person, with his Team, Cart or Horse, turn out of said road, to pass any of the Turnpike Gates, and again enter the said Road, with an intent to evade the Toll due by virtue of this Act, such person shall forfeit and pay three times so much as the legal Toll would have been, to be recovered by the Treasurer of said Corporation, to the use of the same, in an action of debt or the case: *Provided*, that nothing in this Act shall extend to entitle the said Corporation to demand and receive Toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse, team or cattle to or from his common labor, on his farm, or to or from any Grist-mill, or on the common or ordinary business of family concerns within the

Proviso.

same Town, or from any person or persons passing on Military duty.

SECT. 5. *And be it further Enacted*, That the shares in the said Turnpike Road shall be taken, deemed, and considered to be personal Estate to all intents and purposes, and shall and may be transferable; and the mode of transferring said Shares, shall be by Deed, acknowledged before any Justice of the Peace, and recorded by the Clerk of the Corporation in a Book to be kept for that purpose. And when any share shall be attached on *mesne process*, an attested copy of such process, shall, at the time of the attachment, be left with the Clerk of the Corporation; otherwise the attachment shall be void, and such shares may be sold on execution in the same manner as is or may by Law be provided for making sale of personal property on execution; the Officer making the sale, or the Judgement Creditor, leaving a Copy of the execution, and the Officer's return on the same, with the Clerk of the said Corporation, within fourteen days after such sale, and paying for recording the same, shall be deemed and considered as a sufficient transfer of such Share or Shares in the said Turnpike Road.

Shares considered personal estate.

Manner of attachment.

SECT. 6. *And be it further Enacted*, That the said Corporation is hereby empowered to grant monies to such persons as rendered services to the Proprietors in exploring the rout of the Turnpike road, or other wise, previous to the Act of Incorporation.

Assistants to be compensated.

SECT. 7. *And be it further Enacted*, That a Meeting of the said Corporation shall be held at the house of Titus Doolittle, Inholder in Russell, on the first Tuesday of April next, at ten of the Clock in the forenoon, for the purpose of choosing a Clerk, who shall be sworn to the faithful discharge of the duties of said Office, and such other Officers as may then and there be agreed on by said Corporation. And said Corporation may then and there establish such rules and regulations as they shall judge necessary; *provided* the same are not repugnant to the Laws of this Commonwealth, for regulating the concerns thereof; and the said Corporation may then and there agree upon such method of calling Meetings in future as they shall judge proper.

First meeting, and business.

SECT. 8. *And be it further Enacted*, That the said Corporation shall, within six months after the said Road is completed, lodge in the Secretary's Office, an account of

Account of expences to be exhibited.

the expences thereof, and shall also annually exhibit to the Governor and Council a true account of the Income or Dividend arising from the said Toll, with their necessary annual disbursements on said Road.

Drawing of
timber, &c.

SECT. 9. *And be it further Enacted*, That if any person shall draw any log, tree or stick of timber on or over said Turnpike Road, except in the months of January or February, unless such log, tree or stick of timber is loaded on a Cart or Sled, or one end thereof is raised on a Sled, Cart or other suitable Carriage, he shall forfeit and pay to the said Corporation Three Dollars for every log, tree or stick of timber so drawn, to be recovered by Action of debt.

Case of pro-
prietors refus-
ing to pay
assessments.

SECT. 10. *And be it further Enacted*, That when any Proprietor shall neglect or refuse to pay any Tax or assessment, duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell at Public Vendue the share or shares of such delinquent Proprietor, one or more, as shall be sufficient to defray said Taxes, and the necessary incidental Charges, after duly notifying, in the Newspapers printed in Springfield and Pittsfield, the sum due on any such Shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold, to the person or persons purchasing. And on producing a Certificate of such Sale, from the Treasurer to the Clerk of said Corporation, the name of such Purchaser, with the number of shares so sold, shall be by the Clerk entered on the Books of the said Corporation; and such person shall be considered, to all intents and purposes, the Proprietor thereof: And the overplus, if any there be, shall be paid on demand, by the Treasurer to the person whose share was thus sold.

Sign board to
be erected.

SECT. 11. *And be it further Enacted*, That the said Corporation shall, at the place where the said Toll shall be collected, erect and keep constantly exposed to view, a Sign or Board, with the rates of Toll and all the Tollable articles fairly and legibly written thereon, in large or capital Characters.

Corporation
may be dis-
solved.

SECT. 12. *And be it further Enacted*, That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising

from said Toll shall have fully compensated the said Corporation for all monies they may have expended in exploring, purchasing, taking care of and repairing the said Road, together with an interest thereon, at the rate of Twelve per centum by the Year; and thereupon the property of the said Road shall be vested in this Commonwealth, and be at their disposal. *Provided*, That if the said Corporation shall neglect to complete the said Turnpike Road, for the space of Five Years from the passing of this Act, the same shall become void and of no effect. Proviso.

Approved February 24, 1800.

1799. — Chapter 49.*

[January Session.]

AN ACT TO APPORTION & ASSESS A TAX OF ONE HUNDRED & THIRTY THREE THOUSAND, FOUR HUNDRED & THIRTY FIVE DOLLARS & THIRTEEN CENTS; AND PROVIDING FOR THE REIMBURSEMENT OF TWENTY THOUSAND FIVE HUNDRED & FIFTY FOUR DOLLARS, PAID OUT OF THE PUBLIC TREASURY TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR ATTENDANCE THE TWO LAST SESSIONS OF THE GENERAL COURT.

SECTION 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same*, That each Town, District, Plantation & other Place herein-after named, within this Commonwealth, shall be assessed & pay the several sums, with which they stand respectively charged in the following Schedule, vizt.

* Not printed in session pamphlet.

COUNTY OF SUFFOLK.

TOWNS.	Representatives' Pay.	Proportion of \$133,455 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolla. Cts.
BOSTON	826 0	12244 58	13070 58
Hingham	126 0	633 61	759 61
Chelsea	26 0	253 89	279 89
Hull		45 0	45 0
	978 0	13177 8	14155 8
Thirteen thousand & seventy Dollars & fifty eight cents			
Seven hundred & fifty nine Dollars & sixty one cents			
Two hundred & seventy nine Dollars & eighty nine cents			
Forty five Dollars			
Fourteen thousand one hundred & fifty five Dollars & eight cents			

COUNTY OF ESSEX.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Salem	258 0	3121 67	3379 67
Ipswich	150 0	1087 0	1237 0
Newbury	144 0	1240 83	1384 83
Newbury Port	180 0	2361 67	2541 67
Lynn	65 45	518 61	584 6
Lynnfield	18 55	146 94	165 49
Gloucester	74 0	1005 56	1079 56
Rowley	136 0	577 50	713 50
Salisbury	112 0	511 39	623 39
Wenham		150 0	150 0
Manchester		181 11	181 11
Audover	150 0	1063 62	1213 62
Haverhill	140 0	653 61	793 61
Marblehead	96 0	1041 80	1137 80
Topsfield	28 0	298 89	326 89
Andover	138 0	433 61	571 61
Beverly	104 0	1027 78	1131 78
Three thousand three hundred & seventy nine Dollars & sixty seven cents			
One thousand two hundred & thirty seven Dollars			
One thousand three hundred & eighty four Dollars & eighty three cents			
Two thousand five hundred & forty one Dollars & sixty seven cents			
Five hundred & eighty four Dollars & six cents			
One hundred & sixty five Dollars & forty nine cents			
One thousand & seventy nine Dollars & fifty six cents			
Seven hundred & thirteen Dollars & fifty cents			
Six hundred & twenty three Dollars & thirty nine cents			
One hundred & fifty Dollars			
One hundred & eighty one Dollars & eleven cents			
One thousand two hundred & thirteen Dollars & sixty two cents			
Seven hundred & ninety three Dollars & sixty one cents			
One thousand one hundred & thirty seven Dollars & eighty cents			
Three hundred & twenty six Dollars & eighty nine cents			
Five hundred & seventy one Dollars & sixty one cents			
One thousand one hundred & thirty one Dollars & seventy eight cents			

<i>Bradford</i>	.	.	.	.	114 0	468 33	Five hundred & eighty two Dollars & thirty three cents	.	.	582 33
<i>Borford</i>	.	.	.	.	104 0	338 6	Four hundred & forty two Dollars & six cents	.	.	442 6
<i>Methuen</i>	.	.	.	.	96 0	371 94	Four hundred & sixty seven Dollars & ninety four cents	.	.	467 94
<i>Middleton</i>	.	.	.	.		217 50	Two hundred & seventeen Dollars & fifty cents	.	.	217 50
<i>Danvers</i>	.	.	.	.	156 0	755 0	Nine hundred & eleven Dollars	.	.	911 0
<i>Hamilton</i>	.	.	.	.	247 16	247 16	Two hundred & forty seven Dollars & sixteen cents	.	.	247 16
					2264 0	17819 58	Twenty thousand & eighty three Dollars & fifty eight cents	.	.	20083 58

COUNTY OF MIDDLESEX.

	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Charlestown</i>	134 0	727 78	Eight hundred & sixty one Dollars & seventy eight cents	861 78
<i>Watertown</i>	128 0	427 22	Five hundred & fifty five Dollars & twenty two cents	555 22
<i>Medford</i>	72 0	382 78	Four hundred & fifty four Dollars & seventy eight cents	454 78
<i>Cambridge</i>	132 0	1034 72	One thousand one hundred & sixty six Dollars & seventy two cents	1166 72
<i>Concord</i>	108 0	503 33	Six hundred & eleven Dollars & thirty three cents	611 33
<i>Sudbury</i>	82 0	350 83	Four hundred & thirty two Dollars & eighty three cents	432 83
<i>Woburn</i>	60 0	335 0	Three hundred & ninety five Dollars	395 0
<i>Reading</i>	112 0	507 22	Six hundred & nineteen Dollars & twenty two cents	619 22
<i>Malden</i>	132 0	307 64	Four hundred & thirty nine Dollars & sixty four cents	439 64
<i>Groton</i>	4 0	485 33	Four hundred & ninety two Dollars & thirty three cents	492 33
<i>Billerica</i>	104 0	401 11	Five hundred & five Dollars & eleven cents	505 11
<i>Chelmsford</i>	140 0	392 22	Five hundred & thirty two Dollars & twenty two cents	532 22
<i>Marlboro'</i>	144 0	573 33	Seven hundred & seventeen Dollars & thirty three cents	717 33
<i>Dunstable</i>		156 11	One hundred & fifty six Dollars & eleven cents	156 11
<i>Tyngsboro'</i>		164 45	One hundred & sixty four Dollars & forty five cents	164 45
<i>Sherburne</i>	50 0	269 44	Three hundred & nineteen Dollars & forty four cents	319 44
<i>Stowe</i>	56 0	240 56	Two hundred & ninety six Dollars & fifty six cents	296 56
<i>Bachoro'</i>	26 0	111 39	One hundred & thirty seven Dollars & thirty nine cents	137 39
<i>Newton</i>	110 0	463 61	Five hundred & seventy three Dollars & sixty one cents	573 61
<i>Frammingham</i>	148 0	496 53	Six hundred & forty four Dollars & fifty three cents	644 53
<i>Dracut.</i>	116 0	290 56	Four hundred & six Dollars & fifty six cents	406 56
<i>Weston</i>	78 0	381 11	Four hundred & fifty nine Dollars & eleven cents	459 11

COUNTY OF MIDDLESEX — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$153,455 13	Total.
<i>Lexington</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Littleton</i>	118 0	342 78	460 78
<i>Hopkinton</i>	104 0	255 56	359 56
<i>Holliston</i>	148 0	335 0	483 0
<i>Stonham</i>	48 0	320 0	368 0
<i>Westford</i>	142 0	116 67	116 67
<i>Bedford</i>		365 0	607 0
<i>Wilmington</i>		225 0	225 0
<i>Townsend</i>	42 0	188 33	188 33
<i>Tewkesbury</i>	34 0	245 56	273 11
<i>Acton</i>	63 0	228 6	279 56
<i>Carlisle</i>	49 0	178 33	291 6
<i>Waltham</i>	126 0	393 89	519 89
<i>Shirley</i>	36 0	163 33	163 33
<i>Pepperell</i>	56 0	295 56	331 56
<i>Lincoln</i>		227 22	283 22
<i>Ashby</i>		213 33	213 33
<i>East Sudbury</i>		277 50	277 50
<i>Natick</i>	30 0	181 11	181 11
<i>Burlington</i>		167 50	197 50
	2932 0	13956 11	16888 11
			Sixteen thousand eight hundred & eighty eight Dollars & eleven cents

COUNTY OF HAMPSHIRE.

	Representatives' Pay.	Proportion of \$153,455 13	Total.
<i>Springfield</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Hadley</i>	26 0	483 33	509 33
<i>Westfield</i>	54 0	326 11	380 11
	94 0	473 33	567 33
			Five hundred & sixty seven Dollars & thirty three cents

<i>Hatfield</i>	295	56	Two hundred & ninety five Dollars & fifty six cents	295	56
<i>Deerfield</i>	454	17	Five hundred & six Dollars & seventeen cents	454	17
<i>Northampton</i>	67	68	Six hundred & ninety six Dollars & twenty nine cents	67	68
<i>Easthampton</i>	208	33	Two hundred & thirty Dollars & sixty five cents	208	33
<i>Northfield</i>	274	17	Three hundred & seventy two Dollars & seventeen cents	274	17
<i>Sunderland</i>	154	17	One hundred & fifty four Dollars & seventeen cents	154	17
<i>Brimfield</i>	383	33	Four hundred & five Dollars & thirty three cents	383	33
<i>Brimfield</i>	348	6	Four hundred & eight Dollars & six cents	348	6
<i>Blandford</i>	235	83	Two hundred & seventy seven Dollars & eighty three cents	235	83
<i>Pelham</i>	219	17	Two hundred & ninety seven Dollars & seventeen cents	219	17
<i>Palmer</i>	227	78	Two hundred & twenty seven Dollars & seventy eight cents	227	78
<i>Southampton</i>	238	20	Three hundred & twelve Dollars & twenty cents	238	20
<i>South Hadley</i>	295	46	Three hundred & seventy Dollars & eighty five cents	295	46
<i>Greenfield</i>	104	26	One hundred & thirty Dollars & eighty seven cents	104	26
<i>Gill</i>	333	6	Four hundred & twenty three Dollars & six cents	333	6
<i>New Salem</i>	225	83	Two hundred & twenty five Dollars & eighty three cents	225	83
<i>Montague</i>	486	39	Five hundred & eighty six Dollars & thirty nine cents	486	39
<i>Granville</i>	253	33	Three hundred & thirty three Dollars & thirty three cents	253	33
<i>Greenwich</i>	353	61	Four hundred & sixty three Dollars & sixty one cents	353	61
<i>Amherst</i>	317	22	Three hundred & fifty one Dollars & twenty two cents	317	22
<i>Monson</i>	336	39	Four hundred & twenty six Dollars & thirty nine cents	336	39
<i>Belcherstown</i>	102	0	Three hundred & ninety seven Dollars & eighty three cents	102	0
<i>Colrain</i>	131	11	One hundred & seventy five Dollars & eleven cents	131	11
<i>Shutesbury</i>	164	72	Two hundred & thirty six Dollars & seventy two cents	164	72
<i>Ware</i>	159	72	Two hundred & thirteen Dollars & forty two cents	159	72
<i>Barnardston</i>	53	70	One hundred & ninety one Dollars & sixty three cents	53	70
<i>Leyden</i>	48	30	One hundred & seventy eight Dollars & six cents	48	30
<i>Chesterfield</i>	278	6	Two hundred & three Dollars & forty two cents	278	6
<i>South Brimfield</i>	151	67	One hundred & thirty four Dollars & eighty one cents	151	67
<i>Holland</i>	34	25	Two hundred & eighty Dollars & forty seven cents	34	25
<i>Warwick</i>	214	17	Two hundred & ten Dollars & twenty six cents	214	17
<i>Orange</i>	404	3	Four hundred & thirty four Dollars & three cents	404	3
<i>Wilbraham</i>	127	50	One hundred & twenty seven Dollars & fifty cents	127	50
<i>Charlemont</i>	220	83	Two hundred & twenty Dollars & eighty three cents	220	83
<i>Chester</i>	452	22	Five hundred & forty four Dollars & twenty two cents	452	22
<i>Conway</i>	185	56	Two hundred & seventeen Dollars & fifty six cents	185	56
<i>Granby</i>					

COUNTY OF HAMPSHIRE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,455 13	Total.
<i>Asfield</i>	Dolls. Cts. 273 33	Dolls. Cts. Three hundred & five Dollars & thirty three cents	Dolls. Cts. 305 33
<i>Shelburne</i>	32 0	Three hundred & four Dollars & twenty two cents	304 22
<i>Worthington</i>	52 0	Three hundred & fifty eight Dollars & twenty two cents	358 22
<i>Southwick</i>	56 0	Two hundred & forty five Dollars & thirty three cents	245 33
<i>Williamsburgh</i>	52 0	Two hundred & eight Dollars & sixty one cents	208 61
<i>Whately</i>		One hundred & eighty one Dollars & sixty [one] [seven] cents	181 67
<i>Norwich</i>		One hundred & forty two Dollars & fifty cents	142 50
<i>West Springfield.</i>	108 0	Seven hundred & eighty two Dollars & forty five cents	782 45
<i>Leverett</i>		One hundred & twenty nine Dollars & seventy two cents	129 72
<i>Westhampton</i>		One hundred & fifty five Dollars	155 0
<i>Buckland</i>		One hundred & seventeen Dollars & fifty cents	117 50
<i>Gunnington</i>		One hundred & ninety two Dollars & twenty two cents	192 22
<i>Plainfield</i>		Ninety eight Dollars & thirty three cents	98 33
<i>Montgomery</i>		Ninety two Dollars & seventy eight cents	92 78
<i>Wendell</i>		One hundred & thirteen Dollars & thirty three cents	113 33
<i>Goshen</i>		One hundred & sixty four Dollars & seventeen cents	164 17
<i>Middlefield</i>		One hundred & thirty seven Dollars & fifty cents	137 50
<i>Long Meadow</i>		Two hundred & thirty two Dollars & fifty cents	232 50
<i>Ludlow</i>		One hundred & twenty six Dollars & thirty nine cents	126 39
<i>Rowe</i>		Eighty six Dollars & eleven cents	86 11
<i>Heath</i>		Ninety Dollars & sixty nine cents	90 69
<i>Hawley</i>		One hundred & seven Dollars & twenty two cents	107 22
<i>Russell</i>		Sixty two Dollars & seventy eight cents	62 78
	2272 0	Seventeen thousand two hundred & fifty two Dollars & fourteen cents .	17252 14

COUNTY OF PLYMOUTH.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Plymouth</i>	142 0	615 56	757 56
<i>Scituate</i>	126 0	866 66	922 66
<i>Duxbury</i>	80 0	341 53	421 53
<i>Marshfield</i>	86 0	466 39	552 39
<i>Bridgewater</i>	156 0	1512 78	1668 78
<i>Middleboro'</i>	156 0	1229 44	1385 44
<i>Rochester</i>	42 0	572 22	614 22
<i>Plympton</i>		220 97	220 97
<i>Pembroke</i>	64 0	513 89	577 89
<i>Abington</i>	126 0	464 58	590 58
<i>Kingston</i>		288 75	288 75
<i>Hanover</i>	58 0	260 56	318 56
<i>Halifax</i>		133 61	133 61
<i>Wareham</i>		132 92	182 92
<i>Carver</i>		202 22	202 22
	1036 0	7982 8	8968 8
			Eight Thousand nine hundred & sixty eight Dollars, & eight cents .

COUNTY OF BARNSTABLE.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Barnstable</i>	74 0	548 61	622 61
<i>Sandwich</i>	48 0	463 19	511 19
<i>Yarmouth</i>	62 0	239 72	301 72
<i>Eastham</i>		76 75	76 75
<i>Falmouth</i>	78 0	307 78	385 78
<i>Harwich</i>	48 0	327 78	375 78
<i>Truro</i>		139 17	139 17
<i>Chatham</i>	20 0	156 39	176 39
			Six hundred & twenty two Dollars & sixty one cents .
			Five hundred & eleven Dollars & nineteen cents .
			Three hundred & one Dollars & seventy two cents .
			Seventy six Dollars & seventy-five cents .
			Three hundred & eighty-five Dollars & seventy eight cents .
			Three hundred & seventy five Dollars & seventy eight cents .
			One hundred & thirty nine Dollars & seventeen cents .
			One hundred & seventy six Dollars & thirty nine cents .

COUNTY OF BARNSTABLE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,425 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Provincetown.</i>	. . . . .	66 11	66 11
<i>Wellfleet.</i>	. . . . .	143 75	143 75
<i>Dennis.</i>	. . . . .	200 0	276 0
<i>Orleans.</i>	. . . . .	103 94	127 94
	430 0	2773 19	3203 19
			Three Thousand, two hundred & three Dollars & nineteen cents

COUNTY OF BRISTOL.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Taunton.</i>	132 0	828 61	960 61
<i>Rehoboth.</i>	126 0	933 33	1059 33
<i>Dartmouth.</i>	146 0	632 50	708 50
<i>Stoughton.</i>	98 0	331 72	432 72
<i>Freetown.</i>	86 0	453 34	539 34
<i>Attleboro.</i>	. . . . .	619 58	619 58
<i>Norton.</i>	38 0	403 34	441 34
<i>Dighton.</i>	63 0	332 50	395 50
<i>Eastown.</i>	44 0	322 8	366 8
<i>Raynham.</i>	30 0	265 97	295 97
<i>Berkley.</i>	5 0	242 50	247 50
<i>Mansfield.</i>	. . . . .	232 50	232 50
<i>New Bedford.</i>	100 0	794 45	894 45
<i>Westport.</i>	52 0	631 67	683 67
<i>Somerset.</i>	920 0	260 0	260 0
		7197 9	8117 9
			Eight Thousand one hundred & seventeen Dollars & nine cents

COUNTY OF *DUKES-COUNTY*.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Edgartown</i>	211 11	Two hundred & eleven Dollars & eleven cents	211 11
<i>Tisbury</i>	193 89	One hundred & ninety three Dollars & eighty nine cents	193 89
<i>Chilmark</i>	326 39	Three hundred & sixty four Dollars & thirty nine cents	364 39
	731 39	Seven hundred & sixty nine Dollars & thirty nine cents	769 39

COUNTY OF *NANTUCKET*.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Nantucket</i>	138 0	One Thousand & twenty six Dollars & forty seven cents	1026 47

COUNTY OF *YORK*.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>York</i>	156 0	Nine hundred & sixteen Dollars	916 0
<i>Kittery</i>	146 0	Nine hundred & forty two Dollars & sixty seven cents	942 67
<i>Wells</i>	34 0	Eight hundred & sixty Dollars & sixty seven cents	860 67
<i>Berwick</i>	122 0	One Thousand, one hundred & sixty eight Dollars & sixty seven cents	1168 67
<i>Biddeford</i>	116 0	Four hundred & forty nine Dollars & thirty three cents	449 33
<i>Arundel</i>	72 0	Four hundred & fifty two Dollars	452 0
<i>Buxton</i>	124 0	Four hundred & forty one Dollars & seventy eight cents	441 78
<i>Lebanon</i>	213 33	Two hundred & thirteen Dollars & thirty three cents	213 33
<i>Sandford</i>	166 67	One hundred & sixty six Dollars & sixty seven cents	166 67
<i>Pepperellboro'</i>	333 33	Three hundred & eighty five Dollars & thirty three cents	385 33
<i>Fryeburgh</i>	52 0	One hundred and ninety two Dollars	192 0
<i>Cozhall</i>	52 0	One hundred & fifty seven Dollars & twenty two cents	157 22
<i>Shapleigh</i>	180 0	One hundred & eighty Dollars	180 0
<i>Parson'sfield</i>	160 0	One hundred & sixty Dollars	160 0

COUNTY OF YORK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,455 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Waterborough</i>	.	166 67	166 67
<i>Limerick</i>	.	108 88	108 88
<i>Limington</i>	.	133 33	133 33
<i>Alfred</i>	.	133 33	133 33
<i>Newfield</i>	.	48 88	48 88
<i>Cornish</i>	.	54 45	54 45
<i>Bethel</i>	.	45 55	45 55
<i>Waterford</i>	.	133 33	133 33
<i>Phillipsburgh</i>	.	42 24	42 24
<i>Brownfield</i>	.		
<i>Porterfield</i>	.		
<i>Hiram</i>	.	(No Valuation)	
<i>Oxford</i>	.	(No Valuation)	
<i>Sunkook</i>	.	(No Valuation)	
	874 0	6678 33	7552 23
		Seven Thousand, five hundred & fifty two Dollars & twenty three cents	

COUNTY OF WORCESTER.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Worcester</i>	96 0	855 28	951 28
<i>Lancaster</i>	130 0	422 78	552 78
<i>Mendon</i>	86 0	415 00	501 0
<i>Brookfield</i>	50 0	889 31	939 31
		Nine hundred & fifty one Dollars & twenty eight cents	
		Five hundred & fifty two Dollars & seventy eight cents	
		Five hundred & one Dollars	
		Nine hundred & thirty nine Dollars & thirty one cents	

<i>Oxford</i>	82	0	266	25	Three hundred & forty eight Dollars & twenty five cents	348	25
<i>Leicester</i>	48	0	346	25	Three hundred & ninety four Dollars & twenty five cents	394	25
<i>Rutland</i>	44	0	415	14	Four hundred & fifty nine Dollars & fourteen cents	459	14
<i>Sutton</i>	150	0	790	14	Nine hundred & forty Dollars & fourteen cents	940	14
<i>Westboro'</i>	128	0	327	78	Four hundred & fifty five Dollars & seventy eight cents	455	78
<i>Uzbridge</i>			401	11	Four hundred & one Dollars & eleven cents	401	11
<i>Southboro'</i>			243	89	Two hundred & forty three Dollars & eighty nine cents	243	89
<i>Shrewsbury</i>			345	97	Four hundred & forty nine Dollars & ninety seven cents	449	97
<i>Lunenburg</i>	104	0	339	45	Four hundred & sixty seven Dollars & seventy seven cents	467	45
<i>Dudley</i>	92	0	269	44	Three hundred & sixty one Dollars & forty four cents	361	44
<i>Harvard</i>	156	0	412	8	Five hundred & sixty eight Dollars & eight cents	568	8
<i>Grafton</i>	60	0	322	8	Three hundred & eighty two Dollars & eight cents	382	8
<i>Upton</i>			225	28	Two hundred & twenty five Dollars & twenty eight cents	225	28
<i>Hardwick</i>	144	0	462	8	Six hundred & six Dollars & eight cents	606	8
<i>Boston</i>	90	58	275	69	Three hundred & sixty six Dollars & twenty seven cents	366	27
<i>Berlin</i>	49	42	150	42	One hundred & ninety nine Dollars & eighty four cents	199	84
<i>Sturbridge</i>	136	0	505	83	Six hundred & forty one Dollars & eighty three cents	641	83
<i>Holden</i>	88	0	318	6	Four hundred & six Dollars & six cents	406	6
<i>Leominster</i>	90	0	339	3	Four hundred & twenty nine Dollars & three cents	429	3
<i>Western</i>	80	0	294	86	Three hundred & seventy four Dollars & eighty six cents	374	86
<i>Douglas</i>	20	0	238	33	Two hundred & fifty eight Dollars & thirty three cents	258	33
<i>New Braintree</i>	58	0	293	61	Three hundred & fifty one Dollars & sixty one cents	351	61
<i>Spencer</i>	62	0	410	69	Four hundred & seventy two Dollars & sixty nine cents	472	69
<i>Petersham</i>	62	0	506	67	Five hundred & sixty eight Dollars & sixty seven cents	568	67
<i>Charlton</i>	102	0	489	30	Five hundred & ninety one Dollars & thirty cents	591	30
<i>Templeton</i>	104	0	289	72	Three hundred & ninety three Dollars & seventy two cents	393	72
<i>Athol</i>	106	0	230	56	Three hundred & thirty six Dollars & fifty six cents	336	56
<i>Oakham</i>	76	0	189	86	Two hundred & sixty five Dollars & eighty six cents	265	86
<i>Fitchburg</i>	144	0	267	92	Four hundred & sixty five Dollars & eighty six cents	411	92
<i>Winchendon</i>	98	0	266	39	Three hundred & eleven Dollars & ninety two cents	364	39
<i>Royalston</i>	98	0	245	0	Four hundred & sixty four Dollars & thirty nine cents	343	0
<i>Ashburnham</i>			193	33	Three hundred & ninety three Dollars	193	33
<i>Parson</i>			194	72	One hundred & ninety four Dollars & seventy two cents	194	72
<i>Northborough</i>	72	0	216	94	Two hundred & eighty eight Dollars & ninety four cents	288	94
<i>Hubbardston</i>	70	0	248	89	Three hundred & eighteen Dollars & eighty nine cents	318	89
<i>Westminster</i>	120	0	364	72	Four hundred & eighty four Dollars & seventy two cents	484	72

COUNTY OF WORCESTER — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,435 13	Total.
<i>Princeton</i>	Dolls. Cts. 42 0	Dolls. Cts. 427 64	Dolls. Cts. 469 64
<i>Northbridge</i>	122 78	122 78	122 78
<i>Barre</i>	130 0	597 50	727 50
<i>Ward</i>	177 78	177 78	177 78
<i>Milford</i>	78 0	252 92	330 92
<i>Sterling</i>	54 0	443 47	497 47
<i>Gardner</i>	151 11	151 11	151 11
<i>Boylston</i>	90 0	296 53	386 53
<i>Gerry</i>	216 53	216 53	216 53
	3618 0	16966 11	20584 11
			Twenty Thousand five hundred & eighty four Dollars & eleven cents .

COUNTY OF BERKSHIRE.

TOWNS.	Representatives' Pay.	Proportion of \$133,435 13	Total.
<i>Sheffield</i>	Dolls. Cts. 43 25	Dolls. Cts. 503 75	Dolls. Cts. 546 97
<i>Mount Washington</i>	2 78	32 22	35 0
<i>Stockbridge</i>	108 0	389 3	497 3
<i>New Marlboro'</i>	88 0	342 50	430 50
<i>Egremont</i>	44 0	180 0	224 0
<i>Pittsfield</i>	138 0	597 22	735 22
<i>Great Barrington</i>	138 0	361 53	405 53
<i>Sandisfield</i>	83 29	375 83	459 12
<i>Southfield</i>	6 71	30 28	36 99
<i>Tyringham</i>	38 2	320 28	320 28
<i>Lanesborough</i>	5 98	402 22	440 24
<i>New Ashford</i>	124 0	63 33	69 31
<i>Williamstown</i>		423 61	547 61
			Five hundred & forty seven Dollars & sixty one cents .
			Thirty five Dollars
			Four hundred & ninety seven Dollars & three cents .
			Four hundred & thirty Dollars & fifty cents .
			Two hundred & twenty four Dollars
			Seven hundred & thirty five Dollars & twenty two cents .
			Four hundred & five Dollars & fifty three cents .
			Four hundred & fifty nine Dollars & twelve cents .
			Thirty six Dollars & ninety-nine cents .
			Three hundred & twenty Dollars & twenty eight cents .
			Four hundred & forty Dollars & twenty-four cents .
			Sixty nine Dollars & thirty one cents .

<i>Becket</i>	175 97	One hundred & seventy five Dollars & ninety seven cents	175 97
<i>Lenox</i>	293 33	Three hundred & seventy nine Dollars & thirty three cents	293 33
<i>Windsor</i>	151 95	One hundred & fifty one Dollars & ninety five cents	151 95
<i>Purbridgefield</i>	205 55	Two hundred & thirty one Dollars & fifty five cents	231 55
<i>Alford</i>	138 89	One hundred & thirty eight Dollars & eighty nine cents	138 89
<i>Landon</i>	66 11	Sixty six Dollars & eleven cents	66 11
<i>West Stockbridge</i>	220 28	Two hundred & seventy two Dollars & twenty eight cents	272 28
<i>Richmond</i>	340 14	Three hundred & eighty Dollars & fourteen cents	380 14
<i>Hancock</i>	190 56	One hundred & ninety Dollars & fifty six cents	190 56
<i>Washington</i>	121 39	One hundred & twenty one Dollars & thirty nine cents	121 39
<i>Lee</i>	270 42	Three hundred & twenty eight Dollars & forty two cents	328 42
<i>Adams</i>	294 44	Three hundred & eighty six Dollars & forty four cents	386 44
<i>Dalton</i>	130 70	One hundred & thirty Dollars & seventy cents	130 70
<i>Bethlehem</i>	43 89	Forty three Dollars & eighty nine cents	43 89
<i>Cheshire</i>	290 0	Three hundred & twenty Dollars	320 0
<i>Savoy</i>	(No Valuation)		
<i>Clarksburgh</i>	(No Valuation)		
	1110 0		
	6955 42	Eight Thousand and sixty five Dollars & forty two cents	8065 42

COUNTY OF CUMBERLAND.

	Dolls.	Cts.		Dolls.	Cts.
<i>Portland</i>	116	0	Seven hundred & eighty six Dollars	786	0
<i>Scarborough</i>	52	0	Six hundred & sixty six Dollars & forty five cents	666	45
<i>North Yarmouth</i>	52	0	Five hundred & eighty Dollars & thirty three cents	580	33
<i>Falmouth</i>	130	0	Seven hundred & sixty seven Dollars & seventy eight cents	767	78
<i>Brunswick</i>	18	0	Three hundred & twenty nine Dollars & eleven cents	329	11
<i>Harpwell</i>	32	0	Two hundred & sixty one Dollars & forty five cents	261	45
<i>Windsorham</i>			Three hundred & thirty five Dollars & fifty five cents	235	55
<i>Gorham</i>			Four hundred & ten Dollars	410	0
<i>Cape Elizabeth</i>			Two hundred & seventy eight Dollars & eighty nine cents	278	89

COUNTY OF CUMBERLAND — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,455 13	Total.
<i>New Gloucester</i>	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Gray</i>	52 0	241 11	293 11
<i>Standish</i>		135 56	135 56
<i>Turner</i>		163 33	163 33
<i>Freeport</i>		133 33	133 33
<i>Durham</i>	78 0	352 78	430 78
<i>Hebron</i>		160 0	160 0
<i>Buckfield</i>	48 0	71 67	119 67
<i>Paris</i>	104 0	57 22	161 22
<i>Bridgeton</i>		37 22	37 22
<i>Poland</i>		76 11	76 11
<i>Jay</i>		130 56	130 56
<i>Livermore</i>		33 61	33 61
<i>Norway</i>	28 0	33 61	61 61
<i>Otisheld</i>		37 22	37 22
<i>Hartford</i>		65 56	65 56
<i>Sumner</i>		16 80	16 80
<i>Raymond</i>		16 80	16 80
<i>Penakook</i>		64 72	64 72
<i>Flinstown</i>	(No Valuation)	33 61	33 61
<i>Tyngston</i>	(No Valuation)		
<i>Pegypscot Gore</i>	(No Valuation)		
	710 0	5776 38	6486 38
		Six Thousand four hundred & eighty six Dollars & thirty eight cents	

COUNTY OF LINCOLN.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
Pownalboro'	118 0	316 94	Four hundred & thirty four Dollars & ninety four cents		434 94
Georgetown.	86	382 78	Four hundred & sixty eight Dollars & seventy eight cents		468 78
New Castle.		187 62	One hundred & eighty seven Dollars & sixty two cents		187 62
Woolrich.	154 0	253 47	Four hundred & seven Dollars & forty seven cents		407 47
Bowdoinham	52 0	157 50	Two hundred & nine Dollars & fifty cents		209 50
Topsham	52 0	213 33	Two hundred & sixty five Dollars & thirty three cents		265 33
Boothbay		233 89	Two hundred & thirty three Dollars & eighty nine cents		233 89
Bristol		433 20	Five hundred & eighty nine Dollars & twenty cents		589 20
Waldoboro'	156 0	306 81	Three hundred & fifty four Dollars & eighty one cents		354 81
Edgcombe	48 0	173 89	One hundred & seventy three Dollars & eighty nine cents		173 89
Warren	66 0	183 33	Two hundred & forty nine Dollars & thirty three cents		249 33
Thomaston	122 0	188 61	Three hundred & ten Dollars & sixty one cents		310 61
Bath	114 0	266 67	Three hundred & eighty Dollars & sixty seven cents		380 67
Union.		70 97	Seventy Dollars & ninety seven cents		70 97
Bowdoin	12 0	115 42	One hundred & twenty seven Dollars & forty two cents		127 42
Nobleboro'		116 39	One hundred & sixteen Dollars & thirty nine cents		116 39
Cushing	14 0	166 67	One hundred & eighty Dollars & sixty seven cents		180 67
Cambden	80 0	102 22	One hundred & eighty two Dollars & twenty two cents		182 22
Dresden		125 11	One hundred & twenty five Dollars & eleven cents		125 11
New Milford		136 44	One hundred & thirty six Dollars & forty four cents		136 44
Lewistown		105 0	One hundred & five dollars		105 0
Litchfield		47 22	Forty seven Dollars & twenty two cents		47 22
Thompsonboro'	12 0	115 41	One hundred & twenty seven Dollars & forty one cents		127 41
Ballstown		163 33	One hundred & sixty three Dollars & thirty three cents		163 33
Medunhook.		69 17	Sixty nine Dollars & seventeen cents		69 17
Bowdoin Adjacent	(No Valuation)	13 33	Thirteen Dollars & thirty three cents		13 33
Wales.	(No Valuation)				
Little River.			One hundred & fifty Dollars		150 0
Plymouth Company	1086 0	4794 72	Five Thousand eight hundred & eighty Dollars & seventy two cents		5880 72

COUNTY OF HANCOCK.

TOWNS.	Representatives' Pay.	Proportion of \$133,433 13		Total.
<i>Castine</i>	Dolls. Cts.	Dolls. Cts.		Dolls. Cts.
<i>Belfast</i>	124 0	139 17	Two hundred & sixty three Dollars & seventeen cents	263 17
<i>Penobscot</i>		80 69	Eighty Dollars & sixty nine cents	80 69
<i>Orrington</i>	122 0	92 78	Two hundred & fourteen Dollars & seventy eight cents	214 78
<i>Sadegwick</i>	146 0	89 72	Two hundred & thirty five Dollars & seventy two Cents	235 72
<i>Isleboro'</i>		110 28	One hundred & ten Dollars & twenty eight cents	110 28
<i>Deer Isle</i>		56 67	Fifty six Dollars & sixty seven cents	56 67
<i>Blue Hill</i>	24 0	128 33	One hundred & fifty two Dollars & thirty three cents	152 33
<i>Trenton</i>		99 17	Ninety nine Dollars & seventeen cents	99 17
<i>Sullivan</i>		90 83	Ninety Dollars & eighty three cents	90 83
<i>Gouldsboro'</i>		71 11	Seventy one Dollars & eleven cents	71 11
<i>Mount Desert</i>		82 78	Eighty two Dollars & seventy eight cents	82 78
<i>Vinalhaven</i>		77 64	Seventy seven Dollars & sixty four cents	77 64
<i>Frankfort</i>		94 72	Ninety four Dollars & seventy two cents	94 72
<i>Bangor</i>		60 97	Sixty Dollars & ninety seven cents	60 97
<i>Bucksport</i>		45 0	Forty five Dollars	45 0
<i>Prospect</i>		100 0	One Hundred Dollars	100 0
<i>Hamden</i>		93 33	Ninety three Dollars & thirty three cents	93 33
<i>Northport</i>		71 67	Seventy one Dollars sixty seven cents	71 67
<i>Eden</i>		13 7	Fifteen Dollars & seven cents	15 7
<i>Orland</i>		77 64	Seventy seven Dollars & sixty four cents	77 64
<i>Duck Trap</i>		47 36	Forty seven Dollars & thirty six cents	47 36
<i>Sullivan Adjacent</i>		15 7	Fifteen Dollars & seven cents	15 7
<i>Waldo Claim</i>		24 17	Twenty four Dollars & seventeen cents	24 17
<i>Lincolnshire</i>		137 50	One hundred & thirty seven Dollars & fifty cents	137 50
<i>Associates</i>				
<i>Ten Original Proprietors</i>		30 55	Thirty Dollars & fifty five cents	30 55
<i>Ellsworth</i>		15 28	Fifteen Dollars & twenty eight cents	15 28
	416 0	1947 50	Two thousand three hundred & sixty three Dollars & fifty Cents	2363 50

COUNTY OF WASHINGTON.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Machias</i>	198 47	Two hundred & seventy Dollars & Forty seven cents	270 47
<i>Stauben</i>	39 72	Thirty nine Dollars & seventy two cents	39 72
<i>Columbia</i>	44 58	Forty-four Dollars & fifty eight cents	44 58
<i>Addison</i>	49 17	Forty nine Dollars & seventeen cents	49 17
<i>Harrington</i>	41 67	Forty one Dollars & sixty seven cents	41 67
<i>Eastport</i>	20 0	Twenty Dollars	20 0
	72 0	Four hundred & sixty five Dollars & sixty one cents	465 61

COUNTY OF NORFOLK.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
<i>Roxbury</i>	1070 83	One thousand one hundred & ninety eight Dollars & eighty three cents	1198 83
<i>Dorchester</i>	829 17	Nine hundred & sixty three Dollars & seventeen cents	963 17
<i>Weymouth</i>	448 6	Five hundred & thirty four Dollars & six cents	534 6
<i>Dedham</i>	629 45	Seven hundred & twenty seven Dollars & forty five cents	727 45
<i>Braintree</i>	359 44	Three hundred & fifty nine Dollars & forty four cents	359 44
<i>Medfield</i>	262 8	Two hundred & ninety two Dollars & sixty two cents	292 62
<i>Dorset</i>	184 17	Two hundred & eighty four Dollars & sixty three cents	205 63
<i>Milton</i>	401 25	Five hundred & forty one Dollars & twenty five cents	541 25
<i>Wrentham</i>	534 86	Six hundred thirty four Dollars & eighty six cents	634 86
<i>Brookline</i>	14 0	Three hundred & sixty Dollars & eleven cents	360 11
<i>Needham</i>	84 0	Four hundred & forty six Dollars & twenty two cents	446 22
<i>Medway</i>	42 0	Four hundred & three Dollars & twenty five cents	403 25
<i>Bellingham</i>	203 33	Two hundred & three dollars & thirty three cents	203 33
<i>Walpole</i>	264 17	Two hundred & eighty six Dollars & seventeen cents	286 17
<i>Stoughton</i>	211 87	Two hundred & eleven Dollars & eighty seven cents	211 87
<i>Sharon</i>	237 22	Two hundred & thirty seven Dollars & twenty two cents	237 22
<i>Cohasset</i>	250 42	Two hundred & eighty two Dollars & forty two cents	282 42
<i>Franklin</i>	378 6	Four hundred & fifty six Dollars & six cents	456 6

COUNTY OF NORFOLK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,435 13	Total.
	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Foxboro'		180 0	180 0
Quincy	110 0	379 17	489 17
Randolph		326 67	326 67
Canton		283 82	283 82
	1120 0	8503 62	9623 62
			One hundred & eighty Dollars
			Four hundred & eighty nine Dollars & seventeen cents
			Three hundred & twenty six Dollars & sixty seven cents
			Two hundred & eighty three Dollars & eighty two cents
			Nine thousand six hundred & twenty three dollars & sixty two cents

COUNTY OF KENNEBEC.

	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.
Hallowell	174 2	Two hundred & twenty six Dollars & two cents	226 2
Vassalboro'	166 94	One hundred & sixty six Dollars & ninety four cents	166 94
Winthrop	157 78	Two hundred & twenty nine Dollars & seventy eight cents	229 78
Readfield	117 78	One hundred & eighty nine Dollars & seventy eight cents	189 78
Winslow	165 55	Two hundred & seventeen Dollars & fifty five cents	217 55
Pittston	186 67	One hundred & eighty six Dollars & sixty seven cents	186 67
Greene	88 61	Eighty eight Dollars & sixty one cents	88 61
Fairfield	105 28	One hundred & five Dollars & twenty eight cents	105 28
Canaan	86 67	Eighty six Dollars & sixty seven cents	86 67
Norridgewock	73 61	Seventy three Dollars & sixty one cents	73 61
Monmouth	83 61	One hundred & thirty five Dollars & sixty one cents	135 61
Sidney	156 95	One hundred & fifty six Dollars & ninety five cents	156 95
Mount Vernon	74 72	One hundred & twenty six Dollars & seventy two cents	126 72
Farmington	80 56	One hundred & fifty two Dollars & fifty six cents	152 56
Augusta	174 3	Two hundred & ninety Dollars & three cents	290 3
Clinton	53 47	Fifty three Dollars & forty seven cents	53 47
Harlem	18 6	Eighteen Dollars & six cents	18 6

	.	.	(No Valuation)	540	0	1964	31		Ten thousand five hundred & four Dollars & thirty one cents .	2504	31
New Sharon	.	.	(No Valuation)								
Starks.	.	.	(No Valuation)								
Fayette	.	.	(No Valuation)								
Belgrade	.	.	(No Valuation)								
Wayne	.	.	(No Valuation)								
Cornville	.	.	(No Valuation)								
Anson.	.	.	(No Valuation)								
Chester	.	.	(No Valuation)								
Goshen	.	.	(No Valuation)								
Littleboro'	.	.	(No Valuation)								

SUM TOTAL IN THE SEVERAL COUNTIES.

	Dolls.	Cts.		Dolls.	Cts.		Dolls.	Cts.	
<i>Suffolk</i>	.	978	.	.	13177	8	Fourteen thousand one hundred & fifty five Dollars & eight cents	14155	8
<i>Essex</i>	.	2264	0	.	17819	58	Twenty thousand & eighty three Dollars & fifty eight cents	20083	58
<i>Middlesex</i>	.	2932	0	.	13956	11	Sixteen thousand eight hundred & eighty eight Dollars & eleven cents	16888	11
<i>Hampshire</i>	.	2272	0	.	14980	14	Seventeen thousand two hundred & fifty two Dollars & fourteen cents	17252	14
<i>Plymouth</i>	.	1036	0	.	7932	8	Eight thousand nine hundred & sixty eight Dollars & eight cents	8968	8
<i>Bristol</i>	.	920	0	.	7197	9	Eight thousand one hundred & seventeen Dollars & nine cents	8117	9
<i>Barnstable</i>	.	430	0	.	2773	19	Three thousand two hundred & three Dollars & nineteen cents	3203	19

SUM TOTAL IN THE SEVERAL COUNTIES — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of \$133,455 13	Total.
<i>Dukes County</i>		Dolls. Cts.	Dolls. Cts.
<i>Nantucket</i>	38 0	731 39	769 39
<i>York</i>	138 0	888 47	1026 47
<i>Worcester</i>	874 0	6678 33	7552 33
<i>Berkshire</i>	3618 0	16366 11	20584 11
<i>Cumberland</i>	1110 0	6956 42	8065 42
<i>Lincoln</i>	710 0	5776 38	6486 38
<i>Hancock</i>	1086 0	4794 72	6880 72
<i>Washington</i>	416 0	1947 50	2363 50
<i>Norfolk</i>	72 0	393 61	465 61
<i>Kennebec</i>	1120 0	8503 62	9623 62
	540 0	1964 31	2504 31
	20534 0	133435 13	153989 13
		One hundred & fifty three thousand, nine hundred & eighty nine Dollars & thirteen cents	
		Seven hundred & sixty nine Dollars & thirty nine cents	
		One thousand & twenty six Dollars & forty seven cents	
		Seven thousand five hundred & fifty two Dollars & thirty three cents	
		Twenty thousand five hundred & eighty four Dollars & eleven cents	
		Eight thousand & sixty five Dollars & forty two cents	
		Six thousand four hundred & eighty six Dollars & thirty eight cents	
		Five thousand eight hundred & eighty Dollars & seventy two cents	
		Two thousand three hundred & sixty three Dollars & fifty cents	
		Four hundred & sixty five Dollars & sixty one cents	
		Nine thousand six hundred & twenty three Dollars & sixty two cents	
		Two thousand five hundred & four Dollars & thirty one cents	

SECT. 2D. *Be it further enacted*, That the Treasurer of this Commonwealth do forthwith send his Warrant, directed to the Selectmen or Assessors of each town, district, plantation, or other place, within this Commonwealth, the Inhabitants whereof are taxed as aforesaid, requiring such Selectmen or Assessors, respectively to assess, in dollars and cents, the Sum hereby set upon such town, district, plantation, or other place, in manner following, that is to say, all the male polls above the age of Sixteen years, within their respective towns, districts, plantations, or other places adjoining them, belonging to no other town, district, or plantation, (*provided* such places were returned in the last valuation) all the Polls aforesaid, being Minors, apprentices, or servants, under the Government of a Master or Mistress, to be taxed to such Master or Mistress respectively, at twenty eight cents each, and the remainder of such sum, so set to each town, district, plantation, or other place respectively, as aforesaid (after deducting the sums assessed on the polls as aforesaid) to assess on the Inhabitants of such town, district, plantation, or other place as aforesaid, according to the just value of the real estate of each inhabitant, of such town, district, plantation, or other place respectively, by him, her, or them possessed, on the first day of May next, in his, her, or their own right, or in the right of others, lying within the said town, district or plantation or other place, improved, or not improved, excepting pews in houses of public[e] worship, and on the non-resident proprietors of real estate, lying within such town, district, plantation, or other place, in their own right, or in the right of others, improved, or not improved, saving all agreements between Landlords & Tenants; and where no agreement is, the Landlord to reimburse such tenant one half of such tax; and also on the Inhabitants of such town, district, plantation or other place, and all other persons possessing estates within the same, according to the proportion of the amount of the just value of their respective personal estates, including monies at Interest more than they pay Interest for, although the same be secured by an absolute conveyance of real estate, if a bond of defeasance, or promise of conveyance has been given, and all other debts due, more than they are indebted for, money of all kinds on hand, public securities of all kinds, and Bank Stock held in any Bank, according to the just value thereof,

and also the just amount of the value of all goods, wares, and merchandize, or any other stock in trade, Vessels, of all sorts at home and abroad, with all their stores and appurtenances, Mules, Horses, Neat-Cattle each of one year old and upwards, and swine of Six Months old and upwards, and all other property of the several kinds returned in the last valuation, (excepting Sheep, household furniture, wearing apparel, farming utensils and tools of Mechanics) on the said first day of May. And the Assessors of the respective towns, districts, plantations, and other places as aforesaid, shall estimate all the before enumerated articles at Six per centum, upon the real Value thereof in the places where they are, (excepting unimproved lands which shall be estimated at two per centum, where they are situated,) and on the amount of the Incomes of the Inhabitants, within their respective precincts as aforesaid, from any profession handicraft, trade, or employment, or gained by trading on Sea or land. And the Treasurer, in his said Warrants shall likewise, require the said Assessors respectively, to make a fair list of such assessments, setting forth in distinct columns against each person's name, how much he or she is assessed for polls, how much for real estate, and how much for personal estate and income, as aforesaid; and if as guardian, or for any estate in his or her possession in trust, to be distinctly expressed; and also to insert in their rate Bills the number of acres of unimproved land, which they have taxed to each of the nonresident proprietors of lands, within their respective towns, districts, plantations, or other places, and also the real value at which they have estimated the same, and the list or lists, so compleated and signed by them, in manner aforesaid or by the major part of them, to commit to the Collector or Collectors, Constable or Constables of such town, district, plantation, or other place, respectively, with a Warrant or Warrants, in due form of law, for collecting and paying the same to the Treasurer of this Commonwealth, on or before the first day of April, in the year of our Lord one thousand, eight hundred and one; and also to return a certificate of the name or names of such Collector or Collectors, Constable or Constables, with the sum total committed to them respectively to collect, to the said Treasurer, some time before the first day of December next.

SECT. 3D. And whereas there are many persons within this Commonwealth who are engaged in trade, and who almost entirely negotiate their business, and hire shops, stores, and wharves in other towns than where they dwell or reside, and whose property and ability in this regard cannot be so well known to the Assessors of the several towns, districts, or plantations, wherein such persons dwell or reside, as to the assessors of the several towns, wherein their business is transacted as aforesaid :

Be it therefore enacted, That all such persons within the description aforesaid, shall be assessed by the Assessors thereof, and pay taxes for such of their goods, wares, and merchandize, or other stock in trade, ships, and Vessels, as are sold, used, & improved in such towns, other than where they reside, and not in the towns where such persons dwell or reside ; and they shall accordingly give in on oath if required, a list of their whole estates, respectively to the assessors of their respective towns or places of residence distinguishing what part thereof is rateable in other towns ; And in default thereof shall be doomed by the Assessors of such towns or places, where they respectively reside, or have their home : *Provided always* that this clause be not in any case so construed as to enable any town to tax any inhabitant of any other town, for any estate for which such other town was charged in the last valuation.

SECT. 4TH. *Provided nevertheless, and be it further enacted*, That the President, Professors, Tutors, Librarian and Students of Harvard, Williams, & Bowdoin Colleges, who have their usual residence there, and who enjoy no other pecuniary office or employment, also Ministers of the Gospel and Latin Grammer-School masters, are not to be assessed for their polls and estates under their own actual management or improvement, lying in the towns, districts, or parishes, where they are settled ; & also all persons who have the management or improvement of the Estates of Harvard College, Williams' College, & Bowdoin College, in this Commonwealth, are not to be assessed for the same ; nor Indians for their polls and estates, and if there be any others, who, by reason of age, infirmity or poverty, are unable to pay towards the public charges, And in the judgment of the Assessors, ought to be relieved in their taxes, in any such case the Assessors respectively may exempt the polls and estates of such persons, or

abate any part of what they are set at, as they, on their oath, shall deem just and equitable.

SECT. 5. *And be it further Enacted*, That the Justices of the Peace, at their several Sessions, in their respective Counties, when duly authorised for the assessment of a County Tax, shall apportion the same on the several towns, districts, plantations, and other places in their respective Counties, as aforesaid, in the respective proportions of this tax; and the Assessors of each town, parish, district, or other place within this Commonwealth, in making County, town, parish, or society taxes, shall govern themselves by the same rules, & assess the polls, in their respective towns, parishes, or societies, in the same proportions, as the said polls pay towards the several sums with which the said towns or other places, by this Act respectively stand charged, having regard to all such alterations of polls or property as may happen within the same, subsequent to assessing the tax laid by this Act.

Provided always, That it shall and may be lawful for any town, district or plantation, to levy, make and collect any county, town, parish, or society tax, and for that purpose to cause a valuation to be taken at any time of the year, which the said town or other place shall determine to be expedient, at a legal meeting, warned for that purpose. And the Assessors of the several towns, which by this Act are charged with the pay of Representatives, shall assess such additional sum, on the polls and estates as aforesaid, within their respective towns, and shall apportion the same, in the same proportion at which such polls and estates shall be respectively set, for raising the Sum of One hundred & thirty three thousand four hundred & thirty five Dollars & thirteen Cents.

SECT. 6TH. *And be it further enacted*, That the Treasurer of this Commonwealth, shall send his Warrant, to the Sheriff of the County of Lincoln, requiring him to collect the Sum by this Act assessed, on the Lands belonging to the Plymouth Company, so called, and shall issue his Warrant to the Sheriff of the County of Hancock, requiring him to collect the sums which by this act are directed to be assessed on the lands lying within the claims of the heirs and assigns of the late Brigadier Waldo, also of the Lincolnshire Company of Twenty Associates, and of the Ten Original Proprietors, so called; all which sums are to be collected in the same manner as Collectors or Constables are authorised and directed to

proceed in collecting the taxes laid on Non-resident proprietors of unimproved lands, and to be paid into the Treasury of this Commonwealth on or before the first day of April, in the year of our Lord One thousand Eight hundred & One.

SECT. 7TH. *And be it further enacted*, That no order shall be drawn by the Treasurer of this Commonwealth on any Constable or Collector of this Tax for any part of the same.

SECT. 8TH. *And be it further enacted*, That Twenty thousand Dollars of the Sum ordered to be assessed and paid by this Act, be, and hereby is appropriated towards paying the Interest on the Public debt; and the residue for defraying the expences of Government.

SECT. 9TH. *Be it further enacted*, That the Selectmen or Assessors of each town, district, plantation, or other place within this Commonwealth, the Inhabitants whereof are to be taxed as required in this Act, be, and hereby are directed to make their several rate lists to be committed to Collectors or Constables in the forms prescribed at the foot of this Act.

Form of Rate List to be made by assessors and committed to Collectors or Constables.

STATE TAX.					
Names of Persons to be Taxed.	Number of Polls.	Poll Tax.	Real Estate.	Personal Estate and Income.	Total.
		Dolls. Cts.	Dolls. Cts.	Dolls. Cts.	Dolls. Cts.

Form of rate lists of non Resident Proprietors' unimproved Lands.

STATE TAX.						
Names of Persons to be taxed if known.	Number of each lot, if known.	Number of Division or description of the Range, if known.	Number of Acres.	Value.	Tax.	Total.
				Dolls. Cts.	Dolls. Cts.	Dolls. Cts.

Approved February 24, 1800.

1799. — Chapter 50.

[January Session, ch. 17.]

AN ACT FOR INCORPORATING THE OWNERS OF CERTAIN MEADOW LANDS, IN THE TOWN OF ORLEANS, IN THE COUNTY OF BARNSTABLE, FOR THE PURPOSE OF MANAGING THE SAME, AS A COMMON & GENERAL FIELD.

Boundaries.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same,* That all that Tract of Meadow Land in said Orleans, lying within the following bounds, to wit, bounded Northerly by Eastham line, Easterly by the Atlantic Ocean, Southerly by the line which may be established between the said Orleans & Chatham, & Westerly by the Channel which at high water parts the main land & Pocha island from said Meadow Land, Beach Creek, Cole's Creek & the Channel that leads from the Bass hole, so called, to said Chatham line, be, & are hereby incorporated into a Common & general Field — And the Proprietors of the said Meadow lands, lying within said bounds, their heirs & assigns, are hereby vested with all the rights, powers, & privileges with which the Proprietors of common & general Fields are now by Law vested.

Incorporated.

First meeting.

SECT. 2D. *And be it further enacted,* That Simeon Kingman, Esqr. be, & he hereby is impowered, on application made to him in writing & subscribed by Five of the Proprietors aforesaid, to issue his warrant to some one of the Subscribers, directing him to warn said Proprietors to meet at the time, place, & for the purposes mentioned in the application.

Approved February 25, 1800.

1799. — Chapter 51.

[January Session, ch. 20.]

AN ACT IN ADDITION TO AN ACT, INTITLED, "AN ACT FOR ENFORCING THE SPEEDY PAYMENT OF RATES, AND DIRECTING THE PROCESS AGAINST DEFICIENT CONSTABLES AND COLLECTORS."

Case of towns
neglecting to
choose Assess-
ors.

SEC. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if the inhabitants, qualified to vote in Town affairs, of any Town, District, or Plantation in this Commonwealth, from which any State Tax, or

Taxes now remain due, and unassessed or from which any State or County Tax shall be hereafter required, shall neglect, for the space of five months after having received the Warrant of the Treasurer for assessing any State Tax, to choose assessors to assess the same, and cause the assessment thereof to be certified, as the Law requires, to the Treasurer of the Commonwealth for the time being, and agreeable to his warrant directing the same — he is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sherriff of the County, or his Deputy, requiring him to levy and collect, by distress, and sale, the sum mentioned therein, of the Estates, real and personal, of any inhabitant or inhabitants of such deficient Town, District, or Plantation; which warrant the said Sherriff, or his Deputy, is hereby empowered, and required to execute, observing the same rules and regulations, as are by law provided for satisfying warrants against deficient collectors of public taxes; and it shall be the duty of the said sherriff or his deputy, on receiving the said warrant, forthwith to transmit an attested copy thereof to the Selectmen or Clerk of the Town, District, or Plantation named therein; and if the assessors shall, within sixty days from the receipt of such attested copy, deliver to the said Sherriff or his deputy, a certificate, according to law, of the assessment of the tax or taxes required by said warrant, and pay the officer his legal fees, he shall forthwith transmit the same certificate to the said Treasurer, and return the warrant unsatisfied.

Sheriff
directed.

SEC. 2D. *Be it further enacted*, That if the inhabitants, qualified to vote in Town affairs, of any Town, District or Plantation in this Commonwealth, from which any state, or county tax shall hereafter be required, shall neglect to choose and keep in office, assessors to assess the same, as the law requires, the Treasurer of the Commonwealth or of the County, for the time being, is hereby authorized and directed to issue his warrant, under his hand, and seal, directed to the Sherriff of the County or his Deputy, requiring him to levy and collect the sum mentioned therein in manner aforesaid: And the said sherriff or his deputy shall execute said warrant, observing all the rules and regulations, and all the provisions mentioned in the first section of this Act.

Further direc-
tion respecting
choosing
Assessors.

SEC. 3D. *Be it further enacted*, That if the inhabitants, qualified to vote in Town affairs, of any Town, Dis-

Assessors
neglecting their
duty.

trict or Plantation in this Commonwealth, from which any State Tax, or Taxes now remain due, and unassessed, or from which any State or County tax shall be hereafter required, shall choose assessors who shall neglect to assess the tax required by the warrant issued to them, or to reassess any tax on the failure of any collector, and to certify the assessment, as the law directs, and the estates of such assessors shall be found insufficient to pay the same tax, in the manner already provided by law, then, and in every such case, the Treasurer of the Commonwealth or of the County, for the time being, is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sherrieff of the County or his deputy, requiring him to levy and collect, by distress and sale, so much of the sum mentioned therein, as the estates of the assessors shall be insufficient to pay, of the estates, real or personal, of any inhabitants of the deficient town, district or plantation; which warrant the said sherrieff or his deputy shall execute; observing all the rules & regulations, and all the provisions mentioned in the first section of this Act.

Inhabitants to
be indemnified.

SEC. 4TH. *Be it further Enacted*, That if the estate of any inhabitant or inhabitants (not being an Assessor or assessors, of any Town, District, or Plantation) shall be levied upon and taken as aforesaid, he or they shall have an action or actions, against the town, district, or plantation to recover the full value of the estate so levied upon and taken, with interest thereon, computed at the rate of twelve per centum per annum, from the time the said estate was taken, with legal costs of suit: And at the tryal, the Plaintiff or Plaintiffs shall be admitted to prove the real and true value of the estate so taken, at the time the same was levied upon:

And in order that such action or actions may be supported against a Plantation;

Plantations
made bodies
corporate, for
the purposes
aforesaid.

SEC. 5TH. *Be it further Enacted*, That each plantation in the said Commonwealth, from which any state tax or taxes now remain due and unassessed, or from which any state or county tax shall hereafter be required as aforesaid, be, and hereby is made a body politic and corporate for the purposes aforesaid, and liable to such action or actions, with full power to defend the same, in the same manner as Towns by law may defend suits against them.

Approved February 25, 1800.

1799. — Chapter 52.

[January Session, ch. 18.]

AN ACT FOR THE PRESERVATION OF THE FISH CALLED BASS, IN DUNSTON RIVER, IN SCARBOROUGH, IN THE COUNTY OF CUMBERLAND.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, no person shall take any Bass in Dunston River, so called, in Scarborough, or any of its respective Branches, or any inlets from the Sea, or near any of the Shores comprehended within the Eastern and Western boundary lines of the Towns aforesaid, by the use of any seine, drag-net or any other net or implement whatever, the hook only excepted; and every person offending in any of these respects, shall, upon due conviction, forfeit and pay the sum of Fifteen Dollars for every such offence; and also shall forfeit all the implements, of whatever description they may be, used in taking the said Fish as aforesaid.

The prohibition.

Forfeiture.

SECT. 2. *And be it further Enacted, by the authority aforesaid,* That the Inhabitants of Scarborough, at a Town meeting to be held in the month of March or April annually, at the time of choosing other Town officers, be, and they hereby are authorized and directed to choose three suitable persons as Fish Wardens, to see that the foregoing Law is carried into full effect, who shall be sworn to the faithful discharge of their duty; and the said Wardens, or any of them, shall have full power and authority to go on the Land of any person, which may border on said River, its respective Branches, or any of the Shores aforesaid, without being considered as guilty of Trespass; and any person who shall hinder or obstruct said Wardens, or any of them, either in crossing such Lands or executing any part of the business by this Act assigned them, shall forfeit and pay, for every such Offence, a sum not exceeding Ten Dollars, nor less than Five Dollars, to be recovered in any Court proper to try the same. And said Wardens, or any of them, may recover all penalties which shall arise or become due for any breach of this Act, either upon Action of Debt, or Information; one moiety of the penalty to accrue to the person giving Information of the Offence, and the other moiety to be paid into the hands of the Town Treasurer for the use of the poor of said Town.

Fish Wardens to be chosen.

Penalty for obstructing them.

Recovery of penalties.

Approved February 25, 1800.

1799. — Chapter 53.

[January Session, ch. 19.]

AN ACT FOR ALLOWING "THE PROPRIETORS OF THE UPPER LOCKS & CANALS ON CONNECTICUT RIVER, IN THE COUNTY OF HAMPSHIRE," A FURTHER TIME FOR COMPLETING THEIR WORKS.

Further time
allowed.

Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same, That a further time of two years from the passing of this Act be, & hereby is allowed to said Proprietors to compleat their works for rendering said River passable for Boats & other Craft, between the mouth of Deerfield River & the head of Miller's Falls, so called, any thing in the original Act respecting the same to the contrary notwithstanding.

Approved February 25, 1800.

1799. — Chapter 54.

[January Session, ch. 21.]

AN ACT ESTABLISHING THE NINTH MASSACHUSETTS TURNPIKE CORPORATION.

Preamble.

Whereas the highway leading from the line of Thompson, in the State of Connecticut, where it adjoins this Commonwealth, toward the Town of Boston, is rocky & Hilly, and the expense of Straightening, making & repairing the same, through the towns of Douglass, Uxbridge, Mendon, & Bellingham, so that the same may be convenient for Travellers with horses and carriages, would be much greater than ought to be required of the said towns; And whereas Benjamin Read & others, petitioned this Court that a Turnpike may be granted for making and repairing the same:

Persons incor-
porated.

SECT. 1ST. *Be it therefore enacted by the Senate & House of Representatives, in General Court Assembled, & by the authority of the same,* That Phillip Ammedon, Benjamin Read, Aaron Marsh, James Mellen, Moses Whitney, Samuel Willard, Benjamin Adams, Paul Dudley, Benjamin Craggin, John Miller, David Farnum Junr., Adolphus Spring, Samuel Read, John Capron, Asa Thayer, Job Knap, Seth White, Timothy Craggin, Ephraim Spring, Peter White, Frederic Taft, Daniel Carpenter, Daniel Tillinghast & Company, Israel Aldrich, John Whiting, Daniel Day, Benjamin Thayer, Abijah Keith, Benjamin Wood,

Obediah Wood, Seth Rawson, Ezekiel Wood, Asa White, Abel Aldrich, Benjamin Thwing, Benjamin Thwing, Junr. Stephen Williams, Joel Sibley, Joseph Riet, Benjamin Legg, Benjamin Thayer 2d, Amory Wood, And all such persons as shall be associated with them, and their Successors, shall be a corporation, by the name of the Ninth Massachusetts Turnpike Corporation, and shall, by that name, sue & be sued, and enjoy all the privileges and powers which are by law incident to Corporations, for the purpose of laying out and making a Turnpike Road from the end of the Turnpike road in Thompson, in the State of Connecticut, where it adjoins the line of this Commonwealth in the town of Douglass, in the County of Worcester, to the east line of the town of Bellingham, in the County of Norfolk, & for keeping the same in repair, in such place or places as the said Corporation shall choose for the same; which road shall not be less than four rods wide, & the part to be traveled on, not less than Eighteen feet in width in any place; And that when said Turnpike Road, shall be sufficiently made, and shall be so allowed and approved, by the Justices of the General Sessions of the Peace for the County of Worcester, at any term thereof, then the said Corporation, shall be authorized to erect two Turnpike Gates on the same, in such manner as shall be necessary & convenient; one of which Gates shall be near the house of Doctr. John Scammel, in Bellingham, easterly of the road that leads from Taunton to Worcester, and the other Gate a little west of the Meeting house in said Douglass, & shall be entitled to receive from each traveller & passenger, at each of said Gates, the following rates of toll, to wit, for every Coach, Phaeton, Chariot, or other four wheel carriage, drawn by two horses, twenty-five Cents, & if drawn by more than two horses, an additional sum of four Cents for each horse; for every Curricule twenty Cents; for every Cart, waggon, Sled or Sleigh drawn by two horses or oxen ten cents, and if drawn by more than two, an additional sum of three Cents for every such horse or ox; for every chaise, chair or other carriage drawn by one horse nine cents; for every man & horse four Cents; for all oxen, horses, mules & neat Cattle, led or driven, besides those in teams & Carriages, two cents each; for all sheep & swine three cents by the dozen, and in that proportion for a greater or less number. *Provided*, That nothing in this Act shall extend to entitle the said Corpo-

Corporate name.

Width of road.

Turnpike gates.

Toll.

Proviso.

ration to demand toll of any person who shall be passing with his horse or carriage to or from public worship, or with his horse or team to or from any Mill; or with his horse, team or Cattle to or from his common Labour on his farm, or on the common & ordinary business of family concerns within the same Towns, or any person passing on Military duty.

Sign Board.

SECT. 2D. *And be it further enacted*, That the said Corporation shall, at each place where the toll shall be collected, erect & keep constantly exposed to view, a sign or board, with the rates of toll of all the Tollable articles fairly & legibly written thereon, in large or capital letters.

Court of Sessions authorized.

SECT. 3D. *And be it further enacted*, That the said Corporation may purchase & hold land over which they may make the said road; and the Justices of the Court of Genl. Sessions of the Peace in such County, are hereby Authorised, on application from the said Corporation, to lay out such road or any part thereof within their respective Jurisdictions, as, with the consent of the said Corporation, they may deem proper; And the said Corporation shall be holden to pay all damages which shall arise to any person by taking his land for such road, where it cannot be obtained by voluntary agreement, to be estimated by a Committee appointed by the Court of General Sessions of the Peace in the County in which such damage shall arise, saving to either party the right of trial by Jury, according to the law which makes provision for the recovery of Damages happening by laying out public highways.

Penalty for forcibly passing the gates.

SECT. 4TH. *And be it further enacted*, That if any person shall cut, break down or destroy either of the turnpike Gates, or shall forceably pass, or attempt by force to pass the same, without having first paid the legal toll at such gate, such person shall forfeit & pay a fine not exceeding fifty dollars, nor less than two dollars, to be recovered by the Treasurer of the said Corporation to their Use, in an Action of Tresspass. And if any person, shall, with his cattle, team, carriage, or horse, turn out of the said road to pass either of the said Turnpike Gates on Ground adjacent thereto, & again enter on said Road, with intent to avoid the toll due by Virtue of this Act, such person shall forfeit & pay three times so much as the legal Toll would have been, to be recovered by the Treasurer of said Corporation to the use thereof, in an action of debt.

SECT. 5. *And be it further enacted*, That if the said Corporation, their Toll Gatherers, or others in their employ, shall unreasonably delay or hinder any Traveller or passenger at either of the said Gates, or shall demand and receive more toll than is by this act established, the Corporation, shall forfeit & pay a Sum not exceeding ten dollars, nor less than one dollar, to be recovered before any Justice of the Peace of the County where the offence shall be committed, by any person injured, delayed or defrauded, in a Special action on the case; the writ in which shall be served on the Corporation by leaving a [a] Copy of the same with the Treasurer, or with some individual Member of the Corporation living within the County where the offence shall be committed, or by reading the contents thereof to the said Treasurer or individual Member, at least Seven days before the day of trial: And the Treasurer of the said Corporation or an individual Member, shall be allowed to defend the same suit in behalf of the Corporation; And the Corporation shall be liable to pay all damages which shall happen to any person from whom toll is by this Act demandable, for any damages which shall arise from defect of bridges, or want of repairs within the same way, & shall be also liable to a fine on the presentment of the Grand Jury, for not keeping the same way or the bridges thereon in good repair.

Penalty for delaying passengers or demanding excessive toll.

Persons damaged by defect of bridges, &c. to be indemnified.

SECT. 6TH. *And be it further Enacted*, That the Shares in the same turnpike road shall be taken, deemed & considered to be personal Estate to all intents & purposes; & shall & may be transferable; & the mode of transferring said Shares shall be by deed, acknowledged before any Justice of the Peace & recorded by the Clerk of the said Corporation in a book to be kept for that purpose; and when any of the said Shares shall be attached on *mesne process*, an attested copy of such process shall, at the time of the attachment, be left with the Clerk of the said Corporation, otherwise such attachment shall be void. And such Shares may be Sold on execution, in the same manner as is or may by law be provided for the Sale of personal property by execution, the Officer making Sale or the Judgment Creditor, leaving a Copy of the Execution, & of the Officer's return on the same, with the Clerk of the said Corporation within ten days after such Sale, & paying for the recording of the same.

Shares considered personal estate, transferable & liable to attachment.

Voting regulated.

SECT. 7TH. *And be it further enacted*, That every proprietor in the said Turnpike Road, or his Agent duly Authorised in writing, shall have a right to vote in all meetings of the Said Corporation, & be entitled to as many votes as the proprietor has Shares in the same; *Provided* his number of Shares do not exceed ten; but no proprietor shall be entitled to more than ten Votes for any greater number of Shares he may possess.

Delinquent proprietors' shares to be sold.

SECT. 8TH. *And be it further enacted*, That whenever any Proprietor shall neglect or refuse to pay any tax or assessment, duly voted & agreed upon by the Corporation, to their Treasurer, within Sixty days after the time set for the payment thereof, the Treasurer of the said Corporation is hereby authorised to Sell at Public vendue, the Share or Shares of such delinquent Proprietor, one or more as shall be sufficient to defray said taxes & necessary incidental charges, after duly notifying, in the Newspapers printed at Dedham, the sum due on any such shares, & the time & place of Sale, at least twenty days previous to the time of Sale, & such Sale shall be a transfer of the Share or Shares so Sold to the person purchasing, & on producing a certificate of such Sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser with the number of shares so sold, shall be by the Clerk entered on the books of the said Corporation & such person shall be considered to all intents & purposes the proprietor thereof; and the overplus, if any there be, shall be paid on demand by the Treasurer to the person whose shares were thus Sold.

First meeting directed.

SECT. 9TH. *And be it further Enacted*, That a meeting of the said Corporation shall be held at the house of John Miller & Jesse Fuller, Innholders in Mendon, on the third Tuesday of March next, for the purpose of choosing a Clerk, who shall be sworn to the faithfull discharge of his trust, & such other Officers as may then & there be agreed upon by the said Corporation for regulating the concerns thereof, and that the said Corporation may then and there agree upon such method of calling meetings in future as they may Judge proper.

Return of expenses ordered.

SECT. 10TH. *And be it further enacted*, That the said Corporation shall, within Six Months, after the said Road is completed, lodge in the Secretary's Office an account of the expenses thereof, & that the said Corporation shall annually exhibit to the Governor & Council a true

account of the income or dividend arising from the Toll, with their necessary annual disbursements on said road ; & that the Books of the said Corporation shall at all times be subject to the inspection of a Committee to be appointed by the General Court, or to the inspection of the Governor & Council when called for.

The books may be inspected.

SECT. 11TH. *And be it further enacted*, That the General Court may dissolve said Corporation whenever it shall appear to their satisfaction, that the income arising from the Toll, shall have fully compens[a]ted the said Corporation for all monies they may have expended, in purchasing, repairing & taking care of the said road, together with an interest thereon at the rate of twelve *per Centum* by the year ; & thereupon the property of the said road shall be vested in this Commonwealth, & be at their disposal. *Provided*, that if the said Corporation shall neglect to complete the said Turnpike road for the space of three years from the passing this Act the same shall be void and of no effect.

Corporation may be dissolved in certain case.

Approved February 25, 1800.

1799. — Chapter 55.

[January Session, ch. 22.]

AN ACT FOR DIVIDING THE SECOND PARISH IN THE TOWN OF WEST SPRINGFIELD, IN THE COUNTY OF HAMPSHIRE, INTO TWO PARISHES.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Second Parish in the Town of West Springfield, in the County of Hampshire, be, and hereby is divided into two separate Parishes, by a Line between the inward and outward Common (so called) — Beginning at Suffield Line, and running North on said Common Line to the Monument, or North east corner of the outward Common aforesaid, then running North, forty degrees West, to Agawam River.

Line of division.

SECT. 2. *Be it further Enacted*, That the new Parish created by this Act, which is the Westwardly part of said second Parish, shall be known by the name of the Fourth Parish in West Springfield, and that all lands liable to pay Taxes within the said Parishes, shall be held and taxed within the Parish where they shall lye, although the Owner may live in the other.

Corporate name.

Direction re-
specting uncol-
lected taxes, &c.

SECT. 3. *Be it further Enacted*, That all taxes legally assessed on the polls and estates of the Inhabitants of the said Second Parish, and now uncollected, shall be paid to the Treasurer of the said second parish, and with all other monies now in the Treasury, and all other property now belonging to said second Parish, shall be divided between the said Second and Fourth parishes, according to the sum they severally paid in the last State Tax.

Parish privi-
leges.

SECT. 4. *Be it further Enacted*, That the said fourth Parish is hereby vested with all the powers, privileges, rights and immunities with which other Parishes in this Commonwealth are invested.

First meeting.

SECT. 5. *And be it further Enacted*, That Justin Ely, esqr. be, and he is hereby empowered to issue his Warrant, directed to some suitable Inhabitant of said Fourth Parish, requiring him to notify and warn the Inhabitants of said Parish, to meet at such time and place in said parish, as shall be appointed in said Warrant, and then and there to choose such Officers, as may be necessary to manage the affairs of said Parish. And the Inhabitants qualified by Law to vote at said Meeting, being so assembled, shall be, and hereby are empowered to choose such Officers accordingly.

Approved February 26, 1800.

1799. — Chapter 56.

[January Session, ch. 23.]

AN ACT TO INCORPORATE THE PLANTATION NUMBER SEVEN, LYING ON BOTH SIDES OF UNION RIVER, IN THE COUNTY OF HANCOCK, INTO A TOWN BY THE NAME OF ELLSWORTH.

Boundaries.

SECT. 1ST. *Be it enacted, by the Senate & House of Representatives in General Court Assembled & by the Authority of the same*, that the Plantation numbered Seven, lying on both sides Union River, as described in the following boundaries, vizt. beginning at Union River, at the North Easterly corner of township number Six, & bounded thereby; thence running north, sixty degrees West, six miles, to a corner; thence running North eighteen degrees West, five miles & one quarter to a corner, being on the line of Township Number two incorporated the present Session by the name of Orland; thence Easterly on township number Eight, nine miles to a corner; thence South by number Fourteen & number Eight in the Lottery Townships, nine miles to the North line of Trenton;

thence West by said Trenton line two miles to Union River; thence up said River & bounding thereon, one mile & three quarters to the place of beginning; together with the inhabitants thereon, be & hereby is incorporated into a Town by the name of Ellsworth; & the said Town is hereby vested with all the powers, privileges & immunities which other Towns do or may enjoy by the Constitution & Laws of this Commonwealth; provided that the inhabitants of said Plantation shall be holden to pay to the town of Trenton their proportion of all Taxes voted by said Town of Trenton, together with all State & County Taxes apportioned on the said Town of Trenton, before the passing of this Act.

Corporate name.

Provision respecting taxes.

SECT. 2D. *Be it further Enacted*, that Theodore Jones, Esquire, be & hereby is empowered to issue his Warrant directed to some suitable Inhabitant of said Town, requiring him to warn the Inhabitants thereof to meet at such time & place as he shall therein appoint, to choose all such Officers as Towns are by Law required to choose in the month of March, or April, annually.

First meeting.

Approved February 26, 1800.

1799. — Chapter 57.

[January Session, ch. 24.]

AN ACT GIVING A REMEDY IN LAW, AGAINST THE EXECUTORS AND ADMINISTRATORS OF DECEASED DEBTORS IN JOINT CONTRACTS.

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same. That the goods and estate of each deceased Debtor, in every joint Contract hereafter to be made, whether Obligation, Covenant or other Instrument under seal, promissory note, Memorandum in writing, or any other Contract express or implied, or in any Judgment on any Contract hereafter to be made, shall be liable in the hands of his Executors and Administrators for the payment thereof in like manner, and the Creditor shall have the same remedy, and may have and maintain an Action in Law, against such Executors and Administrators, in the same manner as if such Contract had been joint and several.

Approved February 26, 1800.

1799. — Chapter 58.

[January Session, ch. 25.]

AN ACT IN ADDITION TO THE ACT INCORPORATING SUNDRY PERSONS BY THE NAME OF, THE PROPRIETORS OF THE LOCKS, AND CANALS ON CONNECTICUT RIVER, AND THE OTHER ACTS SINCE PASSED RESPECTING THE SAME.

SEC. 1. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same,* That the real estate heretofore purchased by the said Proprietors, and which is conveyed to them by deed, be, and hereby is confirmed to them, and their successors forever, any doubts respecting their authority to purchase, and hold the same, by virtue of the original act of their incorporation, notwithstanding.

SEC. 2D. *Be it further enacted by the authority aforesaid,* That the said Proprietors be, and hereby are authorized, and empowered to purchase, and hold other real estate beside that, which is wholly occupied by their Canals, Locks, and necessary appendages to the same; and all real estate by them owned, to lease, sell, and convey, or otherwise dispose of, as the said Proprietors shall think proper — *provided*, that the clear annual income of such real estate, which has been, or shall be purchased by them, does not at any time exceed five thousand Dollars, exclusive of the Toll received by them on Boats, Rafts, and other Floats passing thro' said Locks and Canals.

SEC. 3. *And be it further Enacted by the authority aforesaid,* That the said Proprietors be, and hereby are authorized to demand, and have, on all Boats, and loading therein, rafts, and other floats, of any and every kind, as specified in the said original act, of the person owning, or conducting the same, which only pass up, or down that part of said river lying between the Mouth of Chicopee River, and the foot of the Great Falls in said River near Lamb's landing, so called, in South Hadley, one third of the Toll they are authorized to demand and have, on all Boats and loading therein, Rafts and other floats passing through the whole of their works between the Mouth of said Chicopee River, and the Mouth of Stoney Brook, so called, in South Hadley, by virtue of the said original act of their Incorporation.

Approved February 26, 1800.

Title to real estate confirmed.

Proprietors allowed to purchase and hold other real estate.

Real Estate limited.

Toll for certain part of said river.

1799. — Chapter 59.

[January Session, ch. 27.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PREVENT THE SPREADING OF CONTAGIOUS SICKNESS."

Whereas it is necessary, that some further provision should be made by law, to require Vessels to perform Quarantine, for the safety of the people in this Commonwealth:

Preamble.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever it shall appear to the Selectmen of any Seaport-town within this Commonwealth, (other than Boston and Salem,) that the safety of the inhabitants thereof requires, that any Vessel or Vessels, which shall arrive in any harbour or river, within this Commonwealth, from any port or place, should perform Quarantine, the Selectmen of any town, where such vessel shall so arrive, are hereby required and empowered to cause such vessel, or vessels to perform Quarantine, at such place, as they shall appoint, and under such restrictions, and regulations, as they may judge expedient; and any owner, master, or supercargo, officer, seaman, or consignee of such vessel or vessels, or any other person, who shall neglect or refuse to obey the orders, directions, rules, regulations and restrictions of the said Selectmen, respecting the said Quarantine, and shall be convicted thereof, upon indictment or information, before the Supreme Judicial Court, or Court of General Sessions of the Peace, held in the County where the offence may be committed, shall forfeit, and pay a Sum not exceeding five hundred Dollars, or be imprisoned for a term of time not exceeding six Months, or both, at the discretion of the Court, having cognizance of such offence.

Selectmen authorized.

Penalty for disobeying orders &c. of Selectmen.

SEC. 2D. *Be it further enacted,* That when any master, or commander of any vessel, shall come up to any seaport-town aforesaid, with his said vessel, after notice given to him, by any person, or persons, whomsoever, that a Quarantine has been directed, by the said Selectmen for all vessels, coming from the port, or place, from which such master, or commander shall have arrived, or shall fals[e]ly or fraudulently, attempt to elude the directions of the said Selectmen, by false and unfounded declarations

Attention to be paid to any information of quarantine.

No person or things to be landed.

of the port, or place, from whence he came, or shall land, or suffer to be landed from his vessel, any person or persons, or apparel, bedding, goods, or merchandize whatsoever, without the permission of the said Selectmen, every such master or commander, shall, upon conviction thereof in manner and form pointed out in the first section of this act, forfeit, and pay a sum not exceeding five hundred Dollars, or suffer imprisonment for a term, not exceeding six Months, or both, at the discretion of the Court, having cognizance of such offence.

Penalty.

Pilots directed.

SEC. 3D. *Be it further enacted*, That whenever the said Selectmen shall think it necessary to order all vessels, which shall, or may arrive, at any of the seaport towns aforesaid, from any particular port or ports, to perform Quarantine, and shall give notice of such order to the pilots, of the said seaport towns, it shall be the duty of such pilots to make known the said order to the Captains, or Masters of all vessels which they shall board; and if any pilot, after notice given to him as aforesaid, shall neglect to make known the said order, or shall pilot any such vessel up to any town aforesaid, he shall, upon conviction thereof, in manner and form pointed out in the first section of this act, forfeit and pay a fine not exceeding One hundred Dollars.

Red flags to be hoisted at mast-head.

SEC. 4TH. *Be it further enacted*, That the Selectmen of each of the seaport-towns aforesaid shall provide at the expence of such towns, a suitable number of red flags, of three yards, at least, in length; and the master of every vessel, ordered to perform Quarantine, for the purpose of purification, shall hoist one of said flags on the head of the mainmast, there to be kept, during the whole time, so long as said vessel or vessels are performing Quarantine; and no person, during that time, shall go on board, except those employed by the said Selectmen; and every person who shall transgress, by going on board any such vessel, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions, as those persons who are performing Quarantine on board such vessel or vessels, and shall there remain, until discharged by order of said Selectmen, who, by any person, or persons, employed by them, may forcibly detain such person or persons, transgressing as aforesaid, for the purpose of purifying as aforesaid.

Persons not to go on board such vessels.

SEC. 5TH. *Be it further enacted*, That in every sea-port-town aforesaid, where there is a Health Committee, or a Health Officer, legally chosen, and appointed, in manner as directed by the act, to which this is in addition, and the Selectmen of such town shall judge it necessary, and shall certify it under their hands, or the major part of them, such Health Committee, or Health Officer are hereby authorized to perform all the duties, and exercise all the authority, which Selectmen are authorized and required to execute, in requiring any person, or persons, vessel or vessels, as aforesaid, to perform Quarantine in manner as pointed out in this Act.

Health Committee or Officer authorized.

SEC. 6TH. *And be it further enacted*, That all the forfeitures arising from this act shall accrue to the use of the Town where the offence shall be committed, and all expences arising from any vessel, person, or persons, or effects on board the same, performing Quarantine as aforesaid, shall be paid by the owner or owners of such vessel or effects on board the same, and in case of refusal to pay such expences, the same may be recovered by an action of debt, in the name of the Selectmen Health Committee, or Health Officer, as the case may be, in any Court proper to try the same.

Forfeitures.

Expenses arising from any vessel, &c. to be paid by owners of vessel or cargo.

Approved February 26, 1800.

1799. — Chapter 60.

[January Session, ch. 28.]

AN ACT FOR THE DUE REGULATION OF WEIGHTS AND MEASURES.

SECT. 1. *Be it Ena[c]ted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the brass and Copper Weights and Measures, formerly sent out of England, with a Certificate from the Exchequer, to be approved Winchester Measures, according to the standard in the said Exchequer, and adopted, used and allowed in this Commonwealth, be, and remain the public allowed Standards throughout the same, by which all Weights and Measures shall be tried, proved and sealed, in manner as is hereinafter provided. And it shall be the duty of the Treasurer of this Commonwealth, at the expense thereof, to cause to be had and preserved as public Standards, and which shall be used only as such, the following Beams, Weights and Measures, to wit; one bushell; one half bushel; one peck; one half

Winchester measures established as standards.

Treasurer to procure measures, weights, &c.

peck; one ale quart; one wine gallon; one wine half gallon; one wine quart; one wine pint; one wine half pint, and one wine gill; said Measures to be made of Copper or Pewter, conformable, as to contents, to said Winchester Measures, and as to breadth, that is to say, the diameter of the bushel not less than eighteen inches and a half, containing thirty two Winchester quarts; of the half bushel, not less than thirteen inches and three quarters, containing sixteen Winchester quarts; of the peck, not less than ten inches and three quarters, containing eight Winchester quarts; and of the half peck, not less than nine inches, containing four Winchester quarts; the admeasurement to be made in each instance within side of the measure; Also, one Ell, one Yard, one set of Brass weights to four pounds, computed at sixteen ounces to the pound, with fit scales and steel beam; also a good beam and scales, and a nest of Troy weights, from One hundred and twenty eight ounces, down to the least denomination, with the weight of each Weight, and the length of each Measure, marked or stamped thereon respectively, and sealed with a Seal to be procured and kept by the Treasurer aforesaid; and also one fifty six pound weight, one twenty eight pound weight, one fourteen pound weight, and one seven pound weight, made of iron.

County Treasurers to procure measures, weights, &c.

SECT. 2. *Be it further Enacted* That it shall be the duty of the Treasurer of each County, at the expence thereof, to procure, before the first day of September next, one complete set of beams, and of the brass, copper, pewter and iron Weights, and of the Measures aforesaid, well tried, proved and sealed by the said State Standards, and marked or stamped as aforesaid; said Measures, as to breadth as well as contents, to be conformable to the State Standards aforesaid; which the said County Treasurer shall keep and preserve for the use of the respective Counties, and to be used as Standards only.

To be resealed every ten years.

Penalty in case of neglect.

And once in Ten years afterwards, the respective Treasurers for the time being, of the several Counties, shall cause the same to be tried, proved and sealed by the Treasurer and Standards of the Commonwealth. And if any County Treasurer shall neglect his duty in this behalf, he shall forfeit and pay for each neglect, the sum of Two hundred Dollars, to the use of the Commonwealth, to be recovered in an Action of Debt in the name of the Com-

monwealth, in any Court proper to try the same, with costs of suit; *Provided however*, That if any County Treasurer has, within one Year next preceeding the passing of this Act, provided the several Weights and Measures herein before specified, and had the same tried and approved by the Treasurer of this Commonwealth, such County Treasurer shall not be holden to have such Weights and Measures, again tried and proved, until the expiration of Ten Years, from the first day of September next.

SECT. 3. *Be it further Enacted*, That it shall be the duty of the Treasurer of each Town and District within this Commonwealth, at the expense of such Town or District, to procure, before the first day of January next, and ever after to preserve as Town and District Standards, a complete set of the Beams, Weights and Copper or Pewter Measures, conformable to the State Standards, as aforesaid; excepting however, the said bushel measure; and excepting also, that no Treasurer of any Town or District, shall be bound to procure a nest of Troy weights, other than from the lowest denomination, to the size of eight ounces, which it is hereby made his duty to procure; all of which he shall cause to be well tried, proved and sealed as aforesaid, either by the Treasurer of this Commonwealth, or of the County, within which such Town or District shall be situated, and to have the same tried, proved & sealed as aforesaid, once in every Ten Years afterwards. And the State or County Treasurer, shall be entitled to demand and receive of each Town or District Treasurer, a fee of three cents for the first sealing of any Weight, Measure, Scale or Beam, and two cents for each and every after sealing of the same. And it shall also be the duty of Town and District Treasurers, to procure, at the expense thereof, and to preserve, a proper Town or District Seal, for the purposes herein after mentioned. And if any Town or District Treasurer, shall neglect his duty in the premises, he shall, for each neglect, forfeit and pay One hundred Dollars, one moiety thereof to the use of the poor of the Town or District, and the other moiety to him or them who shall sue for the same, to be recovered in an Action of Debt, with costs of Suit, in any Court proper to try the same.

Proviso.

Town Treasurers to procure weights, &c.

Exceptions.

Fees.

Towns and districts to procure seals.

Penalty for neglect.

SECT. 4. *Be it further Enacted*, That after the first day of January next, it shall be the duty of the Select-

Selectmen to appoint sealers of weights

and measures
within their
limits.

Selectmen may
remove sealers.

Penalty for a
sealer's refusing
to serve.

— for selectmen
not duly execut-
ing this law.

Provision for
more than one
sealer.

Sealers to re-
ceive standards
and give re-
ceipts.

men of each Town and District in this Commonwealth, in the Month of March or April annually, to appoint a suitable person, to be a Sealer of Weights and Measures within the same. And it shall also be the duty of the Selectmen, in such Towns or Districts in this Commonwealth, as shall, at any of their annual meetings in March or April, which shall be holden after the first day of January next, vote to have more than one Sealer of Weights and Measures within their Town or District, to appoint suitable persons therefor. And the Selectmen of the several Towns and Districts are hereby authorized to remove from Office any person or persons by them appointed as Sealers of Weights and Measures by virtue of this Act. And it shall be the duty of the Selectmen, upon any vacancy which shall happen in the Office of Sealer of Weights and Measures, either by Death, removal, resignation, refusal to accept, or otherwise, immediately to appoint some other suitable person to fill the place. And each person, who shall be appointed to such Office, shall be notified of his appointment and sworn as other Town-Officers are. And if any person, so appointed and notified, shall refuse or neglect to take such Oath, for the term of seven Days after he shall have received such notice, he shall forfeit and pay five Dollars, to be recovered in the manner and to the uses other fines are, for refusing to serve in other Town Offices. And if any Selectman shall not duly execute this Law, so far as to him appertains, he shall forfeit and pay for each month's neglect, the sum of Ten Dollars, to be recovered in like manner and to like uses. And the Treasurers of such Towns and Districts, as shall, as aforesaid, vote to have more than one Sealer of Weights and Measures, within their Town or District, shall, at the expence thereof, procure, and shall preserve, the necessary additional Seals, Weights and Measures before specified; so that each Sealer, in such Town or District, may have complete setts of the same, under like penalties and forfeitures, as are provided in the third Section of this Act.

SECT. 5. *Be it further Enacted*, That it shall be the duty of each Sealer of Weights and Measures, as soon as appointed and sworn, to receive of the Town or District Treasurer, the said Town or District Standards and Seal, and to give him a receipt therefor, expressing the contents thereof and the condition in which the same may be; and

in such receipt engaging, at the expiration of his the said Sealer's Office, to deliver the same, in like order and condition, to the said Treasurer or his Order; and such Sealer shall be accountable to the Town or District for the due preservation of the same so long as he shall hold them on such receipt.

SECT. 6. *Be it further Enacted*, That it shall be the further duty of the said Sealer of Weights and Measures, in the Month of May, in the Year One Thousand, eight hundred and one, and in the Month of May in every Year afterwards, to post up written Notifications, in the several parts of the Town or District, expressing therein the time and place, when and where, he will attend such of the Inhabitants as live within the limits described in his Notification, and seal all such of their great and small Beams, Weights and Measures, as they shall bring in for that purpose. And the said Sealer shall be entitled to demand and receive, for trying and proving by said Town and District Standards, and sealing, as aforesaid, three cents for each Beam, Weight and Measure, found to be not conformable to said Standards, and one cent and five milles for each Beam, Weight and Measure found to be conformable thereto. And the said Sealer shall deface and destroy all Weights and Measures which cannot be brought to their just Standards.

Notifications to be posted, &c.

Sealers' fees.

SECT. 7. *Be it further Enacted*, That the said Sealer be, and he hereby is authorized and required to go to the Houses of such Innholders, and to the Ware-houses, Stores and Shops of such Merchants, Traders and Retailers of spirituous Liquors, and authorized to go to the houses of such of the other Inhabitants, as shall neglect, as aforesaid, to bring or send in the said Beams, Weights and Measures, and there at their said houses, stores, shops and warehouses, to try, prove and seal the same beams, weights and measures. And the Sealer shall have a right to demand and receive therefor, four cents, for each and every mile he shall necessarily travel for that purpose, going out and returning home, and double his fees aforesaid, of the owner, to be recovered by action of debt, or on the case, with costs, in any Court proper to try the same. And if any such person or persons shall refuse or neglect, to have his, her or their Beams, Weights or Measures so tried, proved and sealed, he, she or they shall forfeit and pay ten dollars for each offence, one

Sealers to go to houses, &c.

Sealers' fees for travelling.

Penalty for refusing to have weights, &c. sealed.

— for sealers
neglecting duty.

moiety to the use of the poor of the Town or District, and the other moiety to the Sealer, to be recovered in an action of debt, with costs, as aforesaid. And if any Sealer of Weights and Measures, shall neglect his duty in any of the cases in this Act specified, he shall, for each neglect, forfeit and pay not less than five, nor more than ten Dollars, one moiety thereof to the poor of the Town or District, and the other moiety to the informer, to be recovered by an action of debt, or on the case, with costs as aforesaid.

— for selling by
other than
sealed weights,
&c.

SECT. 8. *Be it further Enacted*, That all Measures by which, Meal, Fruit or any other thing, usually sold by heaped measures, shall be sold, shall be conformable as to capacity and breadth, to the public allowed Standards aforesaid. And if any person shall sell or expose to sale any Meal, Fruit or other thing, usually sold by heaped measure, by any other measure, as to capacity and breadth, than is before mentioned, or shall sell or expose to sale, any goods, wares or merchandize, grain or other commodity whatsoever, by any other Beams, Weights or Measures, than those sealed as aforesaid, he shall forfeit and pay for each offence, not less than one Dollar nor more than Ten Dollars, according to the circumstances of the case; one moiety thereof to the use of the poor of the Town or District, and the other moiety to the said Sealer, or to him or them, who shall sue for the same, to be recovered in an action of debt or on the case, with costs of suit, in any Court proper to try the same.

Act to com-
mence opera-
tion.

Laws repealed.

SECT. 9. *And be it further Enacted*, That this Act shall take effect and be in force from and after the first day of January next, and until such time as the Congress of the United States shall have fixed by Law the Standard of Weights and Measures; and that the several Acts, the subject matter whereof is herein contained, and which were passed previous to the Year One Thousand seven hundred and eighty one, be, and the same hereby are repealed, and shall cease to operate on and after that day, except so far as may respect any fines or forfeitures, which have been, or before that day, may be incurred under the same.

Proviso.

Provided however, and be it further Enacted, That the first, second and third Sections of this Act shall be considered as operating and having force and effect, from the passing hereof; and that that part of the eighth Section

of this Act which respects forfeitures and penalties shall not operate or have effect, until the first day of June, in the Year One Thousand eight hundred and one, and that such parts of the several Acts aforesaid, hereby to be repealed, as relate to the subject matter of the eighth Section of this Act, shall continue in force to the same first day of June, and until the recovery of such fines, forfeitures and penalties as may be incurred under the same, previous to that day ; any thing herein before contained to the contrary, notwithstanding.

Approved February 26, 1800.

1799. — Chapter 61.

[January Session, ch. 26.]

AN ACT EMPOWERING TOWNS TO RESTRAIN CATTLE FROM RUNNING AT LARGE WITHIN THEIR SEVERAL LIMITS.

Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same, That the Inhabitants of any Town within this Commonwealth may, at any Town Meeting, legally holden for that purpose, order & direct that neat cattle, horses or horse-kind, mules or asses, shall not go at large within the limits of such Town without a keeper under a Penalty therefor of twenty five cents for each Beast at any one time so found at large, which Penalties may be recovered with costs by any Inhabitant of such Town to his own use, by impounding such Beast & proceeding therewith in manner as is provided in cases of Cattle found Damage-Feasant.

Towns may order that cattle &c. shall not go at large.

Approved February 26, 1800.

1799. — Chapter 62.

[January Session, ch. 29.]

AN ACT TO INCORPORATE A NUMBER OF THE INHABITANTS OF THE TOWNS OF ASHFIELD AND BUCKLAND, IN THE COUNTY OF HAMPSHIRE, INTO A RELIGIOUS SOCIETY, BY THE NAME OF "THE UNITED BAPTIST CHURCH & SOCIETY, IN ASHFIELD & BUCKLAND."

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the Authority of the same,* That Enos Smith, Josiah Drake, Jehiel Drake, Ephraim Jennings, Aaron Lyon, junr. Elijah Steele, Abraham Savage, Reuben Ware, Edward Annabel, Elisha Smith, Japhet Chapin, John Blackmer,

Persons incorporated.

Nathan Lyon, Elihu Veber, John Veber, Nathan Cook, Josiah Cook, William Putnam, Oliver May, Eli Fuller, Darius Grant, William Jones, Michael Ware Junr. Nathaniel Kellogg, James Reniff, John Ellis, Josiah Drake the third, Caleb Ward, Peter Booth, Amos Car, Samuel Elmer, Samuel Annabel, Doctor Phillips, Cephas Cross, John Loomis, Roger Brownson, Joshua Rogers, Moses Ward, James Leland, Chileab Smith, Isaac Shepard, Josiah Cobb, Samuel Shepard, Isaac Shepard junr., Apollos Williams, David Lyon, Gad Elmer, Jeduthun Smith, Elnathan Ellis, Aliezer Perkins, Chileab Smith, Junr., Freeman Ellis, Israel Standish, Vespasian Phillips, Thomas Phillips, Aaron Lyon, Elijah Tobey, Chileab Smith the third and Henry Alden, members of the said religious Society, together with such others, as may hereafter associate with them, they & their Polls & Estates, be, & they are hereby incorporated, by the name of "The United Baptist Church & Society, in Ashfield & Buckland," with all the powers, privileges, rights and immunities, which Parishes are entitled to by the Constitution & Laws of this Commonwealth.

Corporate
name.

Method of
joining Society.

SECT. 2D. *Be it further enacted*, That any person in the said Towns of Ashfield & Buckland, of the denomination aforesaid, who may, at any time hereafter, actually become a Member of, and unite in religious worship with said Society in said Ashfield & Buckland, & give in his or her name to the clerk of the town or parish, to which he or she belongs, with a Certificate, signed by the minister or Clerk of the said Society, that he or she has actually become a member of & United in religious worship, with the said "United Baptist Church & Society in Ashfield & Buckland," fourteen days previous to the town or parish meeting therein, to be held in the Month of March or April annually, shall, from & after giving such certificate, with his or her polls and estate, be considered, as a member of said Society: *Provided however*, That such person shall be held to pay his or her proportion of all monies assessed or voted in the town or Parish, to which he or she belonged previous to that time.

Method of
leaving said
Society.

SECT. 3D. *Be it further enacted*, That when any member of said Society, shall see cause to leave the same, & unite in religious worship with any other religious Society in the town or parish, in which he or she may live, and shall give in his or her name to the Clerk of the said Bap-

tist religious Society, with a certificate, signed by the minister or clerk of the Parish, or other incorporated religious Society, with which he or she may unite, that he or she hath actually become a Member of, and United in religious worship with such other Parish, or other incorporated religious Society, fourteen days previous to their annual meeting in March or April, and shall pay his or her proportion, of all monies voted in said Society, to be raised previous thereto, shall, from and after giving such certificate, with his or her polls & estates, be considered as a member of the Society, to which he or she hath so united.

SECT. 4. *And be it further enacted*, That Ephraim Williams, Esquire, be, & he is hereby authorised to issue his warrant, directed to some principal Member of the said Society, requiring him to warn the Members of the said Society, qualified to vote in Parish affairs, to assemble, at some suitable time and Place in said town of Ashfield, to choose such officers, as Parishes are by law required to choose in the Month of March or April annually, and to transact all matters & things, necessary to be done in said Society.

First meeting.

Approved February 26, 1800.

1799. — Chapter 63.

[January Session, ch. 30.]

AN ACT TO ENCOURAGE THE MANUFACTURE OF LEATHER, BOOTS, HALF BOOTS, SHOES, PUMPS, SANDALS, SLIPPERS, AND GOLOSHOES & TO PREVENT FRAUD THEREIN.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of June next, each Manufacturer of Leather, or of Boots, half Boots, Shoes, Pumps, Sandals, Slippers or Goloshoes, shall have the exclusive right of stamping said articles, by him or her manufactured, with the Initial letter of his or her Christian Name and his or her Surname at Large, and the name of the Town or place of his or her abode; and such stamping shall be considered as a Warranty that the article stamped is merchantable, being made of good materials and well manufactured.

Manufacturers authorized to stamp leather, &c.

SECT. 2. *Be it further Enacted*, That none of the aforementioned Articles shall be considered as merchantable unless stamped as aforesaid.

Not merchantable unless stamped.

Penalty for
fraudulently
stamping.

SECT. 3. *Be it further Enacted*, That any person who shall fraudulently stamp, or aid and abet in fraudulently stamping, either of the articles aforesaid, with the name or stamp of any other person, on due conviction thereof, shall be punished, as guilty of a fraud, either by fine, not exceeding one hundred Dollars, or by Imprisonment, not exceeding Six months, or by both those punishments, at the discretion of the Court having cognizance thereof.

Former laws
repealed.

SECT. 4. *Be it further Enacted*, That An Act passed A.D. One Thousand, six hundred and ninety eight, entitled “An Act for the regulating Tanners, Curriers, and Cordwainers” and also all Laws heretofore made respecting the manufacture of Leather, be and they hereby are repealed, except that they shall remain in force, so far as may be necessary to complete the collection of all fines and forfeitures, for the recovery of which a prosecution has already been commenced.

Approved February 27, 1800.

1799. — Chapter 64.

[January Session, ch. 31.]

AN ACT TO REGULATE THE MANUFACTURE OF NAILS WITHIN THIS COMMONWEALTH, AND TO REPEAL ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Inspector to be
appointed.

Manner of in-
specting and
branding.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Governor, by and with the advice and consent of the Council, be and he hereby is empowered to appoint, in the town of Boston, one suitable person to be inspector of nails; whose duty it shall be, to examine every cask of wrought nails, which shall be brought to him for inspection, by opening such cask, turning out the nails contained therein, weighing them, and ascertaining the number of them necessary to make a pound, their quality, both as it respects the workmanship of them and the iron of which they are made, and shall then proceed and mark, or brand, on the head of such cask, the number thereof, the whole weight of the cask and nails, the weight of the cask only or the tare, the number of nails necessary to make a pound, and also the quality thereof, to wit: *First Sort, Second Sort, or Refuse*; and shall also thereupon stamp his name at large, and the title of his office.

SEC. 2D. *Be it further enacted*, That this Act shall not constrain the Inspector to mark or brand the head of any cask, containing any nails, thirty five whereof shall weigh more than one pound; but beginning at thirty five, it shall be his duty to observe *five* as the progressing number, in the number of nails necessary to weigh a pound, in any cask which he shall be required to inspect; always choosing and marking such progressive number as aforesaid, to which the number of nails in a pound nearest approaches.

Rule for determining the sort.

SEC. 3D. *Be it further enacted*, That the Inspector, to be appointed as aforesaid, be, and hereby is authorized to appoint, within any town, in this Commonwealth, from which nails are usually exported, a Deputy or Deputies, who are hereby authorized and empowered, to do and perform all the duties incumbent on the said Inspector by law, in their respective towns; and the said Inspector and his Deputies shall severally give bonds to the Commonwealth, with sufficient sureties, in the opinion of the Governor and Council, and in such sum as they may direct, and shall also be under oath for the faithful discharge of the duties of their office, previous to their entering on the duties thereof, and the bonds so given shall be lodged in the Public Treasury.

Deputies to be appointed.

To be under oath.

SEC. 4TH. *Be it further enacted*, That from and after the first day of September next, no person shall export from this Commonwealth, by land or water, any cask, package or quantity of nails which shall not be inspected, marked and branded as aforesaid, as of the first, or second sort, upon pain of forfeiting a Sum equal to the value of each cask, package, or quantity so exported, to be sued for, and recovered by action of debt, in any Court, proper to try the same; one half to the use of the prosecutor, and the other half to the use of the poor of such town, from whence they may be exported; and the like penalty may be in like manner and to like uses prosecuted for, against, and recovered of, any master of any vessel which shall receive on board for exportation, or any waggoner who shall export as aforesaid, any such nails, not inspected, marked and branded as aforesaid.

No uninspected nails to be exported.

Penalty.

SEC. 5TH. *Be it further enacted*, That it shall be the duty of said Inspector and his Deputies respectively, to see that every cask, containing such nails, shall be well made, of sufficient strength, and well lined at both heads;

Casks to be well made.

the cask to be secured with eight, or more good hoops, and to contain not more than three hundred and fifty pounds of nails; and in case any such cask shall, in the opinion of such Inspector or Deputy, be unfit for use, it shall be by him condemned; and if any hoops be wanting to compleat the number beforementioned, on any cask otherwise fit for use, he shall put on the same, at the expence of the person applying for inspection as aforesaid.

Penalty for delaying to inspect.

SEC. 6TH. *Be it further enacted*, That if the said Inspector, or any of his Deputies shall, on application made for the inspection of any cask or casks of nails as aforesaid, unreasonably delay to make such inspection, he shall forfeit and pay for each offence the sum of Four Dollars, to be recovered, and applied as the forfeiture herein before mentioned.

Returns to be made.

SEC. 7TH. *Be it further enacted*, That it shall be the duty of the several deputy Inspectors aforesaid, once in three Months, and oftner if required, to make returns to the Inspector of the number of casks by them respectively inspected, together with the quantity of nails of each kind; and the Inspector shall annually, and oftner if required, make such return of the nails by him and his Deputies inspected in the Commonwealth, to the Governor & Council.

Penalty for counterfeiting brands, &c.

SEC. 8TH. *Be it further enacted*, That if any person shall counterfeit any brand used, or intended to be used, for the purposes aforesaid, or shall brand, mark, or impress any cask of nails, with any such brand, or counterfeit thereof, or put into any cask, inspected and branded as aforesaid, any other nails than those contained therein when the same shall have been so inspected, with intent to sell, or export any such nails, so put in as aforesaid, he shall, for each cask, into which nails shall be so put, forfeit and pay the sum of twenty Dollars, to be recovered and applied as the foregoing forfeitures, herein mentioned, are directed to be recovered and applied.

Uninspected nails offered for sale, to be forfeited.

SEC. 9. *Be it further enacted*, That every cask of nails which shall, after the said first day of September next, be offered for sale in any town in this Commonwealth, where such Inspector or any one of his said Deputies shall reside, and be authorized to inspect nails as aforesaid, and which shall not be inspected, branded, or marked as aforesaid, shall be forfeited, to be recovered

and applied in the same manner as other forfeitures herein before mentioned.

SEC. 10. *And be it further enacted*, That the said Inspector or either of his Deputies aforesaid shall ask and receive for every cask of nails inspected as aforesaid, twenty Cents, of the person procuring such inspection; and that from & after the said first day of September next, all laws heretofore made, respecting the manufacture, sale, inspection, or exportation of nails in this Commonwealth, be, and the same are hereby repealed: *Provided always*, That nothing herein contained shall be construed to affect the exportation of nails actually inspected prior to the said first day of September.

Inspector's and deputies' fees.

Former laws repealed.

Approved February 28, 1800.

1799. — Chapter 65.

[January Session, ch. 32.]

AN ACT TO INCORPORATE A RELIGIOUS SOCIETY BY THE NAME OF "THE GERMAN PROTESTANT SOCIETY IN THE TOWN OF WALDOBOROUGH."

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same*, That Jacob Ludwig, Peter Crammer, Jacob Winchenback, Joseph Ludwig, John G. Borneman, William Kalear, Charles Kalear, John Christopher Walliser, Peter Gross, Andrew Hofses, Andoney Hofses, Christopher Wolfgruber, John Miller, Conrad Hyer, Charles Oberlack, Jacob Kalear, Henry Stahl, John Stahl, Matthias Hofses, George Hofses, Charles Walch, George Heibner, Charles Heibner, Frank Miller, Charles Miller, Conrad Gross, Christian Storer, Charles Storer, John Winchenback, junr. Andrew Woltz, Daniel Woltz, Andrew Genthner, Conrad Seyder, John Cramer, Daniel Filhauer, Jacob Cramer, Charles Cramer, Frederick Kensel, George Cloues, John Benner, Paul Kuhn, John Kensel, Daniel Eichhorn, John Weaver, Assamus Lash, George Dahlhim, Philip Neubert, George Eichhorn, John Orff, Frederic Orff, Michael Hoch, John Light, George Hoch, Jacob Schwartz, John Martin, Philip Schuman, Joseph Oberlack, Christopher Crammer, Catharine Schuman, George Schuman, Henry Oberlack, Jacob Ludwig, jun: Jacob Kalear, Andrew Wagner, Jacob Cramer, Cydonia Welt, Peter Schwartz, Frank Miller junr: John

Persons incorporated.

Snowdeal, John Burckhart, Peter Snowdeal, Henry Winchenback, Jacob Genthner, Godfred Hofses, Christopher Neubert, Paul Lash, Phillip Minck, Christian Hofses, George Wolfsgruber, John Winchenback, Henrick Walch jun. John Walch junr. John Warner, Cornelius Bornheimer, Vallentien Minck, Martin Benner, Paul Minck, Matthias Hebner, Matthias Woltz, Peter Minck, Charles Minck, Francis Keisor, Frank Overlack, Joseph H. Ludwig and Jacob Wenchenback, jun. Members of a Religious Society in the Town of Waldborough in the County of Lincoln, and all other Inhabitants of said Town, who shall become Members of said Society, by the purchase or other Ownership of a Pew or Seat in their Meeting House, or by usually worshipping with said Society, and thereupon obtaining a Vote of admission as a Member, by the Society, at a legal Meeting for that purpose, together with their Estates, shall be, and they and their Successors hereby are, incorporated and made a Body politic and corporate by the name of "The German Protestant Society in the Town of Waldborough."

Corporate name.

To enjoy privileges.

SECT. 2. *Be it further Enacted*, That the said Society shall have and enjoy all the privileges and powers, which other Societies, of the same description, do or may by Law enjoy.

To hold certain land.

SECT. 3. *Be it further Enacted*, That said Society shall have and hold the several Tracts and parcels of Land, given, granted, conveyed and set off to the Dutch Settlement on the Western side of the Muscongus River, by the Committee of the Proprietors of Lands, at or near Pemaquid in the County of Lincoln, by a Deed or Grant, dated the second day of October, in the Year of our Lord, One Thousand, seven hundred and sixty four, in trust, to and for the special purposes mentioned and specified in the Grant or Deed aforesaid.

May sue and be sued.

SECT. 4. *And be it further Enacted*, That said Society may sue, and shall be liable to be sued by their said Corporate name, and thereby shall pursue, answer and defend in any and all Suits in which they may be concerned; and that Jacob Ludwig, Esqr. be, and he hereby is empowered to issue a Warrant, directed to some Member of said Society, requiring him to warn the Members thereof, qualified to vote in their Affairs, to hold their first Meeting, at such convenient time and place as shall be mentioned therein, for the choice of a Clerk and a Treasurer; and

First meeting.

any other Officers which shall be necessary, and to agree upon a method of calling future meetings, and to transact any other business respecting the affairs of said Corporation, which shall be set forth in said Notification.

Approved February 28, 1800.

1799. — Chapter 66.

[January Session, ch. 33.*]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PROVIDE FOR THE INSTRUCTION OF YOUTH, AND FOR THE PROMOTION OF GOOD EDUCATION."

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same,* That the Inhabitants of the several School Districts, within any town, which hath already, or shall hereafter define the limits of such Districts, qualified to vote in town affairs, be, and they are hereby empowered at any meeting, called in manner hereinafter provided, to raise money for erecting or repairing a School-house, in their respective Districts, to determine in what part of the District, to erect said house, to choose a committee to superintend the building and repairing the same, and to choose a Clerk who shall be sworn faithfully to discharge the duties of his office, whose duty it shall be, to make a fair record of all votes passed at any meeting of the District, and to certify the same when required; also at any such meeting to raise money to procure necessary utensils for their respective School-houses, to be certified as aforesaid & assessed in manner as is herein after provided.

Inhabitants
authorized to
raise money,
&c.

SECT. 2D. *And be it further enacted,* That for the purposes aforesaid, every man shall be taxed in the District in which he lives for all the estate he holds in the town, being under his own actual improvement, and all other of his real estate in the same town shall be taxed in the district in which it is included; and lands, when the owner thereof lives without the town, shall be taxed in such District, as the Assessors, having regard to the local situation thereof, shall appoint; and it shall be the duty of the Assessors, before they assess a tax for any district, to determine in which district, such lands respectively shall be taxed, and to certify in writing their determination to the Clerk of the town, who shall record the same, and

Manner of taxation.

* Wrongly numbered 26 in session pamphlet.

such land, while owned by any person residing without the limits of the town, shall be taxed in such Districts, untill the town shall be districted anew: *Provided however*, That all the lands, within any town owned by the same person, not living therein, shall be taxed in one & the same District. And the assessors shall assess in the same manner, as town taxes are assessed, on the polls & estates of the Inhabitants, composing any School Districts, defined as aforesaid, and on lands in said town, belonging to persons living out of the same, which the assessors shall have directed to be taxed in such District, all monies voted to be raised by the Inhabitants of such district for the purposes aforesaid, in thirty days after the Clerk of the District shall certify, to said assessors, the sum voted by the District to be raised as aforesaid. And it shall be the duty of said Assessors, to make a warrant in due form of law, directed to one of the Collectors of the town to which such district belongs, requiring & empowering said Collector, to levy & collect the tax so assessed, & to pay the same within a time, to be limited in said Warrant, to the Treasurer of the town; to whom a certificate of the assessment shall be made by the Assessors. And the money so collected & paid, shall be at disposal of the Committee of the District, to be by them applied for the building or Repairing a School House in the District to which they belong. And such Collector, in collecting such Tax, shall have the same powers, and be holden to proceed in the same manner as is by Law provided in collecting Town taxes.

SECT. 3. *And be it further Enacted*, That the Treasurer of any Town to whom a Certificate of the Assessment of a District Tax shall be transmitted as aforesaid, shall have the same authority to enforce the collection and payment of the money so assessed and certified, as if the same had been voted to be raised by the Town for the Town's use. And the Treasurer & Collector shall be paid the same commissions on the money collected & paid, for the use of a School District aforesaid, and the assessors for assessing said Tax, shall be allowed by the District, the same sum for each & every day while employed in assessing the same, as is allowed & paid by the town for similar services.

SECT. 4. *And be it further enacted*, That it shall be the duty of the Selectmen, of the several towns divided into School districts, as aforesaid, upon application made

Proviso

Assessors directed.

Assessors to make a warrant.

Collector empowered.

Town Treasurers authorized to enforce collections.

Compensation.

District meetings.

to them in writing, by three or more Freeholders, resident within any School district in their respective towns, to issue their warrant, directed to one of the persons making such application, requiring him to warn the Inhabitants of such district, qualified to vote in town affairs, to meet at such time & place, in the same district, as the Selectmen shall in their warrant appoint. And the warning aforesaid shall be by notifying personally, every person in the District, qualified to vote in town affairs, or by leaving at their usual places of abode, a notification in writing, expressing therein the time, place, & purpose of the meeting, seven days at least, before the time appointed for holding the same. And any Vote to raise money, for the purpose of erecting or repairing a School-house, passed by a majority of the Inhabitants of a School-District present at a district meeting, warned & held as aforesaid, shall be obligatory on the Inhabitants of said School District, to be assessed, levied, & collected in the manner prescribed by this Act.

SECT. 5. *And be it further enacted*, That if the Inhabitants of any School district cannot agree where to erect a School-house, for the accommodation of the same, the Selectmen of the town to which such district belongs, upon application made to them by the Committee of the District, are hereby authorised & impowered, to determine on the place, where a School-house for the use & accomodation of the District, shall be erected.

Selectmen to determine in case of disagreement as to situation of school house.

Approved February 28, 1800.

1799. — Chapter 67.

[January Session, ch. 34.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR THE PRESERVATION OF THE FISH CALLED SALMON, SHAD, AND ALEWIVES, IN THE RIVERS, STREAMS, AND WATERS WITHIN THE COUNTIES OF LINCOLN AND CUMBERLAND, AND FOR REPEALING ALL OTHER LAWS HERETOFORE MADE FOR THAT PURPOSE, SO FAR AS RESPECTS THEIR OPERATION IN THE SAID COUNTIES."

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, it shall not be lawful for any person to set or use any net or seine, for the purpose of catching Salmon, on or by any of the Sea shores or Islands, within the said

Size of seines, &c. limited.

counties of Lincoln and Cumberland, of a greater length than forty fathoms; and no such net or seine shall be so set or used, for the purpose of catching salmon as aforesaid, within the distance of ten rods, in any direction, from any other net or seine so set or used as aforesaid: And every person, who shall use any net or seine, or direct the same to be done, contrary to this act, for every such offence, upon conviction thereof, shall forfeit and pay a fine not exceeding thirteen Dollars nor less than six Dollars.

Fish Wardens
to prosecute.

SEC. 2D. *And Be it further enacted*, That it shall be the duty of the Fish Wardens, in their several Towns, to see that this Law is executed, and prosecute for all breaches thereof, which may come to their knowledge; and all fines and forfeitures, incurred thereby, shall be recovered by action of debt, in the name of a fish warden, before any Justice of the Peace in the County, where the offence is committed, one moiety thereof to the use of the Town, and the other moiety to the use of the fish warden who shall prosecute for the same.

Approved March 1, 1800.

1799. — Chapter 68.

[January Session, ch. 35.]

AN ACT TO PRESERVE AND REGULATE THE TAKING OF THE FISH CALLED ALEWIVES, AT NEGUASSET FALLS, (SO CALLED) WITHIN THE TOWN OF WOOLWICH, AND FOR REPEALING AN ACT, ENTITLED, "AN ACT FOR REGULATING THE FISHERY IN THE TOWN OF WOOLWICH, IN THE COUNTY OF LINCOLN."

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall and may be lawful for the inhabitants of said Town of Woolwich, at their annual meeting in the month of April, to sell, or other wise dispose of the Privilege of taking the fish called Alewives, at Neguasset falls, so called, within said Town of Woolwich; and the emoluments arising from such sale or disposal, shall be appropriated by said Town to such uses and purposes, as the inhabitants thereof shall, from time to time, in legal Town meeting, determine.

Privilege may
be sold.

Days for fish-
ing.

SEC. 2D. *Be it further enacted*, That the days for taking said Fish at said falls, shall be Monday, Tuesday, Wednesday, and Thursday in each week, and at no other time.

SEC. 3D. *Be it further enacted*, That if the Purchaser or Purchasers, Manager, or Managers of said privilege, or any person or persons employed by, or under them, or either of them, or any other person or persons whatsoever, shall presume to take any of said fish on any day, or at any place in said Town, other than those mentioned in this act, each person, so offending, shall forfeit and pay a fine, not exceeding ten Cents, nor less than three Cents, for each fish so taken.

Penalty for fishing unlawfully.

SEC. 4TH. *Be it further enacted*, That if the Purchasers or Managers of said privilege, or either of them, lawfully taking said fish as aforesaid, shall, when in his or their power, neglect or refuse to supply any person who may apply for the same, at the rate of twenty-five Cents for one hundred of said fish, the purchaser or manager, so refusing, shall forfeit and pay, for each offence, the sum of five dollars; and if any person or persons, authorized to catch said fish, shall ask, demand or receive more than at the rate aforesaid for said fish, while the same are fresh or green, he or they, so offending, shall forfeit, and pay, for each offence, the sum of five Dollars.

Price regulated.

SEC. 5TH. *Be it further enacted*, That the inhabitants of said Town of Woolwich shall, at their annual meeting in the month of April, choose a Committee, consisting of not more than five, nor less than three freeholders in said Town, who shall be sworn to the faithful discharge of the duties enjoined upon them by this act, whose duty it shall be, to see that a sufficient sluice or passage way, twelve feet wide and four feet high, for said fish to pass up into the pond to cast their spawn and to return again, shall be opened by the owners or proprietors of the mills at Ne-guasset, on the third day of May annually, and be kept open until said fish shall have done passing up, and also that a sufficient sluice or passage way be opened annually on the twentieth day of August, and kept open until the last day of September to let the young fish down.

Sluice-way to be opened.

SEC. 6TH. *Be it further enacted*, That if any person chosen on said Committee, on due notice thereof shall refuse to accept thereof, and to qualify himself therefor, within seven days after such notice, every such person, so refusing, shall forfeit and pay a fine of five Dollars, for the use of said Town, and the Treasurer of said Town is hereby authorized and directed to prosecute or sue for the same, and in case of the refusal of any person, so chosen,

Penalty for refusing to serve on Fish Committee.

the Selectmen, for the time being, shall have power, and they are hereby directed to proceed to appoint some other person or persons in the room of those who shall so refuse, and any person, so appointed, who shall refuse as aforesaid, shall be liable to the same penalty; and if the Selectmen shall neglect to proceed as aforesaid, they shall each of them forfeit and pay the sum of ten Dollars; and no person shall be obliged to serve on said Committee more than one Year in three.

Penalty for neglect to open sluice way.

SEC. 7TH. *Be it further enacted*, That if the owners or proprietors of the mill-dam at Neguasset, shall neglect or refuse to open, and keep open such sluice or passage way, for the passing of fish up and down said stream, they shall each of them forfeit and pay, for each day they shall so neglect, a fine not exceeding ten nor less than five Dollars.

Recovery of fines.

SEC. 8TH. *Be it further enacted*, That all fines, incurred by any breach of this act, shall be recovered by presentment of the Grand Jury, or by action of debt in any Court proper to try the same, in the name of either of the said Committee, one moiety of which shall enure to the use of the Town, and the other moiety to the use of the informer, or plaintiff, who may sue for the same, except the fine already appropriated.

Any inhabitant may prosecute.

SEC. 9TH. *Be it further enacted*, That nothing in this act shall be so construed, as to deprive any of the inhabitants of said Town of Woolwich from prosecuting or suing for any of the breaches aforesaid; and no person shall be debarred from being admitted as a witness on any presentment of the grand Jury, by reason of his being intitled to any part of said fines.

Case of minors offending.

SEC. 10. *Be it further enacted*, That in case any minor or minors shall offend against any part of this act, and thereby incur any of the penalties aforesaid, the Parents, Masters, or Guardians of such minor or minors, shall be answerable therefor, on complaint or in an action to be brought against such Parents, Masters or Guardians, as for his, or their own personal offence.

Purchasers not to be deemed trespassers.

SEC. 11. *Be it further enacted*, That no Purchaser or Manager, or any Person employed by them, shall be deemed a trespasser in going on the Land's, or thro' the mills of any person in order to take said fish, on their paying a reasonable compensation therefor, if required.

Former law repealed.

SEC. 12. *And be it further enacted*, That an Act, entitled, "an Act for regulating the fishery in the Town

of Woolwich, in the County of Lincoln," passed the first day of March, in the Year of our Lord one thousand seven hundred and ninety nine, be, and the same is hereby repealed.

Approved March 1, 1800.

1799. — Chapter 69.

[January Session, ch. 36.]

AN ACT TO REGULATE THE INSPECTION OF BEEF INTENDED TO BE EXPORTED FROM THIS COMMONWEALTH.

SEC. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of the same,* That from and after the first day of September next, no person or persons whatsoever, shall ship or export from this Commonwealth any salted Beef, except in Barrels, or half Barrels, of the quality and dimensions hereinafter provided, and the contents thereof are inspected and packed, and unless the casks containing the same are branded agreeably to the directions in this act.

No beef to be exported, except as herein directed

SEC. 2D. *Be it further enacted,* That there shall be an Inspector General of Beef for this Commonwealth, who shall be well skilled in the knowledge of the same, to be appointed by the Governor with the advice and consent of the Council, and to be by them removeable at pleasure, who, before he shall enter on the duties of his office, shall give Bonds, with sufficient sureties, to the Treasurer of this Commonwealth, in the penal sum of Four thousand Dollars, for the faithful discharge of his duty, and shall also be sworn faithfully to perform the same; and such Inspector shall have power, when so qualified, to appoint, and shall appoint Deputy Inspectors, who shall be removeable by him at pleasure, in every Seaport town in this Commonwealth, where Beef is exported, and at such other places as he shall judge necessary, for whom, he shall be answerable, and shall take Bonds from them, to himself and successor in office, with sufficient sureties, in a penal sum not exceeding three hundred dollars, and the said deputy inspectors shall also be sworn for the faithful discharge of their duty.

Inspector General to be appointed.

May appoint deputies.

SEC. 3D. *And be it further enacted,* That it shall be the duty of every Deputy, so appointed, to make a return to the Inspector General, once in every Six months, of the number of barrels, & half barrels of Beef inspected by them agreeably to the directions of this Act; and it

Return to be made of beef inspected.

shall be the duty of the Inspector General, in the month of June annually, to make a return to the Governor & Council, of the whole number of barrels & half barrels of beef, inspected according to the directions of this act, by him or his Deputies, the year preceeding, designating in the return, the different sorts of beef, and the places at which it was inspected.

Kind of beef,
and size of
pieces.

SECT. 4. *Be it further enacted*, That no beef, which shall be killed after the first day of September next, shall be packed or repacked in barrels or half barrels, for exportation, unless it be of fat cattle, not under three years old; that all such beef shall be cut into peices, as nearly square as may be, and which in size shall not exceed eight pounds weight, nor be less than four pounds weight.

To be branded.

That all Beef, which the Inspector or Deputy Inspector shall find on examination, to have been killed at a proper age, to be fat, & otherwise good & merchantable, shall be sorted & divided by him, into four different sorts, for packing or repacking, into barrels or half barrels, to be denominated *Mess*, *Cargo N. 1*, *Cargo N. 2*, and *Refuse*.

Mess beef.

Mess beef shall consist of the choice peices of Oxen or Steers well fattened and weighing Six hundred pounds and upwards; the shin, shoulder, clod, & neck shall be taken from the fore quarters, and the Legs & leg-rand from the hind quarters; and each Barrel & half Barrel, containing beef of this description, shall be branded on one of the

Cargo No. 1.

heads with the words *Mess Beef*. Cargo N. 1 shall consist of choice peices of oxen, Steers, Cows & Heifers, not under four hundred pounds weight, & to average Five hundred & twenty pounds weight, without any necks or shanks. On one head of each barrel or half barrel, containing beef of this description, shall be branded *Cargo*

Cargo No. 2.

N. 1. Cargo N. 2 shall consist of fat cattle of all descriptions not before mentioned, of three years old & upwards (Bulls excepted) with not more than half a neck, & three Shanks, and without any hocks; each barrel & half barrel

Refuse.

of which shall be branded *Cargo No. 2*. All other parts of cattle, that are not above described, which shall be packed or repacked for exportation, (including Bulls)

Salting.

shall be branded on one head *Refuse*. And every barrel of beef shall be well Salted with Seventy five Pounds of clean Saint Ubes, Isle of May, Lisbon, or Turks Island Salt, or eighty pounds of coarse Liverpool Salt, or other Salt of equal quality, exclusive of a pickle made of fresh

water as strong as Salt will make it ; & to each barrel of beef of the three first sorts shall be added four ounces of Salt petre ; and each half barrel of beef shall be salted with one half the quantity of Salt abovementioned & two ounces of Salt petre.

SECT. 5. *Be it further enacted*, That from and after the first day of September next every barrel & half barrel, in which beef shall be packed or repacked for exportation, shall be made of good seasoned white oak or white ash staves & heading, free from any defect, each barrel shall contain two hundred pounds weight of Beef, & each half barrel one hundred pounds weight of beef ; the barrels to measure sixteen Inches and a half between the chimes, & to be twenty eight inches long, to be covered three fourths of the length with good oak, ash or walnut hoops, leaving one fourth in the centre, the heads made of a proper thickness, the hoops to be well sett & drove together ; the half barrels to contain not less than Fifteen Gallons, to be hooped in the same manner, as the whole barrels.

Description of barrels.

SECT. 6. *Be it further enacted*, That every barrel & half barrel, in which beef is packed or repacked for exportation, shall be branded, with the first letter of the Christian name & the surname at length of the Inspector who has inspected the same, with the name of the town where it was inspected, in legible letters, with the addition of MASS. (for Massachusetts). And every barrel & half barrel of Beef, of the three first sorts, shall also be branded with the name of the person for whom the beef is packed.

Inspector's name, &c. to be branded.

SECT. 7TH. *Be it further enacted*, That no deputy, appointed by virtue of this Act, shall inspect or brand any cask of Beef, out of the town or County for which he shall be appointed, under the penalty of fifty dollars ; and if any person, other than the said Inspector or his Deputy, shall presume to stamp or brand any cask of beef, in the manner directed by this Act, every person so offending, shall forfeit the sum of Twenty dollars, for each & every cask so unlawfully branded.

Inspectors to brand in their own town or county only.

SECT. 8. *Be it further enacted*, That the Inspector General or his deputy, appointed by Virtue of this Act, shall be paid for every barrel of beef he may inspect and brand, the sum of ten cents ; & for every half barrel of beef so inspected, the sum of five cents, exclusive of coop-

Fees for inspecting.

erage, the charge of inspection to be paid by the shipper ; and the Inspector General shall be entitled to receive from any deputy he may appoint, two cents and no more, for each barrel of beef, & one cent for each half barrel, said deputy may inspect & brand, according to the directions of this Act.

Penalty for
fraudulent
inspection.

SECT. 9. *Be it further enacted*, That if any Inspector or Deputy Inspector, appointed by virtue of this act, shall be guilty of any neglect or fraud, in inspecting any beef contrary to the true intent & meaning of this act, or shall mark with their respective brands, any cask containing beef which has not been actually inspected, he or they shall forfeit & pay ten dollars for each and every cask so falsely marked.

Penalty for
shifting beef.

SECT. 10. *Be it further enacted*, That if any person shall intermix, take out or shift any beef, out of any cask inspected or branded, as by this Act is required, or put in any other beef for Sale or Exportation, contrary to the intention of this Act, the person or persons so offending, shall, for each and every offence, forfeit & pay the sum of Twenty Dollars.

No beef to be
exported unless
a certificate of
inspection is
produced.

SECT. 11. *Be it further enacted*, That no salted beef shall be exported out of this Commonwealth, unless the master or owner of the Vessell produces to the Collector, or any other Officer authorised by the Laws of the United States to clear Vessells out, a certificate from the Inspector General or his Deputy, that the same has been inspected & branded, according to the directions in this Act, and each certificate shall express the number of barrels & half barrels of beef, of each sort. And the Master or owner of every Vessell, in which beef is so exported, on producing said certificate shall take & subscribe the following Oath before the Officer authorised as aforesaid.

I, A — B — of the do swear, that according to the best of my knowledge & belief, the certificate hereunto annexed, contains the whole quantity of Salted beef on board the Master, & that no salted beef is shipped on board said Vessell for the ships company, on freight, or on cargo, but what is inspected & branded according to the Law of this Commonwealth. So help me God.

Fee for certifi-
cate.

SECT. 12TH. *Be it further enacted*, That for each & every certificate given by the Inspector or Deputy Inspector for beef exported, he shall receive ten cents, to be

paid by the shipper, and they are hereby, severally directed to give such certificate whenever requested.

SECT. 13TH. *Be it further enacted*, That all penalties & forfeitures, arising by force & virtue of this Act, shall be recovered by action of debt or information, in any Court proper to try the same, one moiety thereof to the use of the town wherein the offence shall be committed, & the other moiety to him or them who shall inform, or sue for the same. Recovery of forfeitures.

SECT. 14. *Be it further enacted*, That nothing in this Act shall prevent the exportation of rounds of Beef, in kegs or tubs as is now practiced: *provided however*, That the name of the owner, & the town where he resides, shall be branded on one head of each keg or tub, under the penalty of One dollar for each keg or tub not branded. Rounds of beef may be exported as usual

SECT. 15. *Be it further enacted*, That all former laws, so far as they respect the inspection of beef, be, & hereby are repealed. *Provided nevertheless*, That they shall be considered as in full force, with regard to all actions & prosecutions which may be depending, for any penalty or forfeiture incurred for the breach of the same. Former laws repealed.

SECT. 16. *And be it further enacted*, That if any person or persons shall export or ship for exportation out of this Commonwealth, any Salted beef not inspected and branded as by this Act is directed, every such exporter or Shipper, & the Master of every Vessel having on board such uninspected Beef, shall, on conviction, respectively forfeit & pay the sums following, The Owner or Exporter shall forfeit & pay the Sum of Six dollars, and the Master of every Vessel having the same on board, the sum of two dollars, for every Cask exported or shipped for exportation. And it shall be lawfull for any Justice of the Peace, upon any information given of any Beef being put on board any Vessel as aforesaid, not inspected & branded as required by this Act, to issue his warrant, directed to the Sheriff or his deputy or to a Constable, requiring them respectively to make seizure of any such Salted Beef, not marked & branded as aforesaid, and to secure the same in Order for trial, & said Officers are hereby respectively required & empowered to execute the same. And it shall be the duty of every person, when required to give the necessary aid for that purpose, on pain of forfeiting Five dollars for his refusal. *Provided* Penalty for exporting beef contrary to this Act.

always, That nothing in this Act contained shall be con- Justices of the Peace may order seizures.

Proviso.

strued to effect the exportation of any Beef that shall be duly inspected before the said first day of September, agreeable to the laws now in force.

Approved March 4, 1800.

1799. — Chapter 70.

[January Session, ch. 37.]

AN ACT TO RENDER VALID THE DOINGS OF THE DEPUTY SHERIFFS WITHIN AND FOR THE COUNTY OF HANCOCK.

Preamble.

Whereas divers Writs and Precepts have been served and executed, by some of the Deputy Sheriffs within and for the said County of Hancock, since the resignation of Richard Hunnewell, Esqr. late Sheriff of said County, and before the appointment of his Successor in Office;

The doings of
Deputy Sheriffs
rendered valid.

Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That all writs and precepts, served and executed by any Deputy Sheriff under the said Hunnewell, within and for said County, from and after the resignation of the said Hunnewell, and before the first day of January, A D. one thousand and eight hundred, shall be considered as duly and legally served & executed, and the same are hereby rendered legal and valid in every respect, so far as relates to the service or execution of said Writs or Precepts. Provided the same have been legally and duly executed in every other respect but what relates to the resignation of the said Hunnewell.

Approved March 4, 1800.

1799. — Chapter 71.

[January Session, ch. 38.]

AN ACT IN ADDITION TO, AND FOR ALTERING AN ACT, ENTITLED, "AN ACT FOR ESTABLISHING A CORPORATION BY THE NAME OF THE SIXTH MASSACHUSETTS TURNPIKE CORPORATION."

Restriction re-
specting width
of road re-
moved.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same, That the Committee, who shall be appointed to approve of the Sixth Massachusetts Turnpike Road, in pursuance of the act, to which this is in addition, shall be, and are hereby impowered and authorized to approve of said road, as sufficiently made, although the same may in some places be less than four rods wide; provided, That,

in the opinion of said Committee, the public convenience shall not require the same to be four rods wide, as is required in the Act to which this is an addition, any thing in the same to the contrary notwithstanding. *Provided also,* That the said road shall not, in any part of it, be reduced to less than three rods and a half in width, unless it should be found necessary to move some dwelling house or other valuable building in order to give it that width.

Approved March 4, 1800.

1799. — Chapter 72.

[January Session, ch. 40.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER EASTERN RIVER, NEAR LITHGOW'S MILLS, IN THE TOWN OF DRESDEN."

Be it enacted by the Senate and House of Representatives, in General Court assembled, & by the authority of the same, That Edmund Bridge be, and he hereby is authorised and impowered, by advertizement, to be published in any News paper within the Counties of Lincoln, Kennebec, or Cumberland, to warn a meeting of the Proprietors mentioned in the Act, to which this is an addition, to be holden at Dresden aforesaid, at any suitable time after fourteen days from the publication of such advertizement.

Edmund Bridge
authorized to
call a meeting.

Approved March 4, 1800.

1799. — Chapter 73.

[January Session, ch. 39.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR REGULATING & GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE," EXCEPTING AN ACT, ENTITLED, "AN ACT FOR ESTABLISHING RULES & ARTICLES FOR GOVERNING THE TROOPS STATIONED IN FORTS & GARRISONS WITHIN THIS COMMONWEALTH, AND ALSO THE MILITIA WHEN CALLED INTO ACTUAL SERVICE."

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, in addition to the persons hereafter named, who are exempted by a Law of the United States from Military duty, viz. The Vice-President of the United States, the

Exemptions.

Officers, Judicial & Executive, of the Government of the United States, the Members of both Houses of Congress, and their respective Officers, all custom house Officers, with their Clerks, all Post Officers, and Stage-Drivers who are employed in the care & conveyance of the mail of the Post-Office of the United States, all Ferry-men employed at any Ferry on the Post-road, all Inspectors of Exports, all Pilots, all Mariners actually in the Sea-Service of any citizen or merchant, within the United States, — the following persons shall also be exempted from military duty, viz. The Lieutenant Governour, Members of Council, Judges of the Supreme Judicial Court, with their Clerks, the Secretary & Treasurer, with their Clerks, Officers & Students of any College actually resident there, Judges of the Court of Common Pleas, with their Clerks, Judges of Probate, Registers of Probate, Registers of Deeds, those who have received a Commission to keep the Peace, and are qualified to act in that office, Ministers of the Gospel, Members of the Legislature of this Commonwealth, with their Officers, when the same is in session, Sheriffs, those of the religious denomination called Quakers and Shakers, such Engine-men as are exempted from military duty, by virtue of any Law of this Commonwealth, & all persons who have heretofore held a Commission in the Army or Militia, and are now out of Office, & all persons who now do, or hereafter may hold Commissions in the Militia, and shall complete the term of five years service therein or be superseded.

Non-commissioned officers & privates to warn meeting for choice of Officers.

SECT. 2D. *Be it further enacted*, That when any non-commissioned Officer or Private, in any Company, shall receive orders from the Captain or Commanding Officer of such Company, to notify and warn such Company, or any part thereof, to meet for the purpose of choosing an Officer or Officers, it shall be the duty of such non-commissioned Officer or Private, to give every person, whom he is so ordered to warn, personal notice, or leave him a written or printed notification at his last & usual place of abode, specifying the time, place and purpose of said meeting; & if any such non-commissioned Officer or Private, shall neglect to warn such meeting, in manner aforesaid, or shall neglect to warn any meeting of such Company for common and ordinary trainings, agreeably to the orders he shall have received from the Captain or Commanding Officer of such Company, he shall forfeit & pay the sum of twelve dollars, be reduced to the ranks &

incapable of holding any office in the Militia for the term of two years.

SECT. 3D. *Be it further enacted*, That every person who shall hereafter enlist into any volunteer corps (whether such person be exempt by this Act, from doing Militia duty or not) shall be holden to do duty therein for the term of seven years, unless such person be sooner discharged, by order of the Brigadier General or Commanding Officer of the Brigade, to which such volunteer corps belongs; & any person who shall so enlist, into any volunteer Corps, & shall afterwards neglect to do duty therein, shall incur the same penalties as are affixed to like offences, committed by non-commissioned Officers & Privates, in the standing Militia Companies.

Persons enlisting in volunteer corps to do duty for seven years.

SECT. 4. *Be it further enacted*, That if any Clerk of a Company or Serjeant acting in the Capacity of a Clerk, shall neglect or refuse to do & perform any duty enjoined upon him by law, he shall, for every such neglect, forfeit & pay the sum of twelve dollars, to be recovered before some Justice of the Peace, in the County where such offender lives, in an action of the case, to be brought by the Captain of such Company, or the Adjutant of the Regiment, to which such Company belongs, to the use of such Captain or Adjutant who shall first sue for the same.

Clerk to be fined for neglecting duty.

SECT. 5. *Be it further enacted*, That when any Company shall be paraded, the Captain or Commanding Officer of such Company, is hereby authorised & empowered, verbally to warn the persons so paraded, to appear at some future day, not exceeding forty days, & such warning shall be deemed to be legal as it respects all the persons present.

On parade Captains may order a future meeting.

SECT. 6. *Be it further enacted*, That no person shall be deemed or taken to be a Quaker or Shaker, within the meaning of this act, unless he shall annually in the Month of April, deliver to the Captain or Clerk of the Company wherein he resides, a certificate, signed by two of the overseers & countersigned by the Clerk of the Meeting or Society, with which he meets for worship, in substance as follows, viz.

No person to be exempted as a Quaker or Shaker unless they exhibit a certificate.

We the subscribers, Overseers of the Meeting or Society of _____ in the town of _____ in the County of _____ do hereby certify that _____ frequently & usually attends with said Society for public worship, and we believe is conscientiously scrupulous of bearing arms.

Which certificate, so signed & delivered as aforesaid, shall exempt the person therein named, from doing Military duty for the term of one year, unless the same be invalidated by sufficient evidence.

Recovery of
fines under
§13.33.

SECT. 7. *Be it further enacted*, That where, by this Act, or the Act to which this is an addition, any non-commissioned Officer or Private shall forfeit any sum of money, of the amount of Thirteen Dollars & thirty three cents, or under the same, shall be recovered, in manner prescribed by the Twenty-third Section of the Act to which this is in addition; in which action or prosecution it shall be lawful for such Clerk in any Stage of the proceedings, before the rendition of final Judgment, to amend his declaration or complaint, without paying costs to the adverse party. And the Clerk shall not be liable to pay the defendant cost, where he produces a certificate, signed by a majority of the commissioned Officers of the Company, directing him to institute the suit. And any Officer or Soldier belonging to any Company except the Clerk, shall be considered as a competent witness in any action or prosecution, brought by the Clerk of such Company, for the recovery of a fine, notwithstanding that a part of such fine may enure to the benefit of such Company.

Clerk to be ex-
empt from costs
in case.

Election of
Officers.

SECT. 8. *Be it further Enacted*, That no election of a Commissioned Officer, in future, shall be valid, unless a majority of the legal Voters of the Company are present at the Meeting called for that purpose.

Persons dis-
tributing orders
to be paid.

SECT. 9. *Be it further Enacted*, That each Major General within this Commonwealth, is authorized and empowered to appoint some suitable person to distribute his Orders; and the persons so appointed shall lay their Accounts before the Committee on Accounts for allowance.

Pay allowed
for horses to
drag artillery.

SECT. 10. *Be it further Enacted*, That the Captain or Commanding Officer of a Company of Artillery, shall lay his accounts for money actually expended in providing horses to drag the Field pieces and Tumbrels of their respective Companies, before the Committee on Accounts for allowance: *Provided*, no allowance shall be made unless said Company is ordered to appear in Battalion or Regimental muster, or to march out of the Town to which they belong, by their superior Officer.

Proviso.

Selectmen to
furnish powder.

SECT. 11. *Be it further Enacted*, That the Selectmen of the several Towns and Districts, and the Assessors of

unincorporated Plantations in this Commonwealth, shall furnish, at the expence of the several Towns, Districts and Plantations to the Commanding Officer of each Company, for the use of each private Soldier, with one quarter of a pound of Powder, when ordered out on duty, for a division, Brigade, or Regimental muster, the number to be ascertained by a Roll certified by the Commanding Officer of the Company to which they belong. And it shall be the duty of each private Soldier, to use and consume such powder according to the directions of the Commanding Officer of such Company.

SECT. 12. *Be it further Enacted*, That from and after the passing of this Act, no non-commissioned Officer or private Soldier, belonging to any Company of Militia in this Commonwealth, shall be exempted from military duty on account of bodily infirmity, unless he shall obtain a Certificate from the Surgeon or Surgeon's-mate of the Regiment to which he belongs, if either of those Officers are appointed in said Regiment; if not, from a reputable Surgeon or Physician, living within the limits of the same, that he is unable to do military duty by reason of bodily infirmity; the cause of which is to be described in said Certificate, and the Officer commanding said Company, may, upon the back of said Certificate, discharge the person named therein from doing military duty in said Company for such term of time as he shall judge reasonable; which certificate, if approved and countersigned by the Officer commanding the Regiment, Battalion or Squadron, to which said disabled person belongs, shall entitle him to a full exemption from military duty for the term therein specified.

Persons to be exempted from duty for bodily infirmity.

SECT. 13. *Be it further Enacted*, That in each Squadron of Cavalry within this Commonwealth, there shall be one Adjutant and one Quarter Master, to be appointed and commissioned in the same manner as such Officers are appointed and commissioned in Battalions of Cavalry.

Adjutant and Q. Master of Cavalry.

SECT. 14. *Be it further Enacted*, That each Brigadier General or Commanding Officer of Brigade of the Militia of this Commonwealth, is authorized, by voluntary enlistment, to raise and organize a band of musick in each Brigade; and when so raised, to issue warrants to them accordingly.

Band of music allowed to a brigade.

SECT. 15. *Be it further Enacted*, That no Officer or Soldier of the Militia, shall be holden to do any military

Militia not to be paraded on certain days of election.

duty on any day (except on days which are or may be specially prescribed by Law) on which the Selectmen or Assessors of any Town or District shall appoint a Meeting for the election of a Representative to the General Court, or on the day pointed out by the Constitution for the election of Governor, Lieutenant Governor and Senators of this Commonwealth, or on any day, which is or may be appointed for the choice of Electors of President or Vice President of the United States or Representatives to Congress. And it shall not be lawful for any such Officer to exercise any military command on either of said Days, unless in case of sudden invasion, made or threatened, or in obedience to the orders of the Commander in Chief, except as is herein before excepted, and every Officer offending herein, shall, for each Offence, forfeit and pay a sum not less than Ten nor more than Three hundred Dollars.

No appeal from
the judgment
of a Justice.

SECT. 16. *Be it further Enacted*, That from and after passing this Act, no appeal shall be allowed to either party, from the Judgment of a Justice of the Peace, upon any Action brought by any Clerk of a Company of Infantry, Artillery or Cavalry, within this Commonwealth, for the recovery of any fine supposed to be incurred for the breach of any part of this Act, or of the Act to which this is in addition.

In case of a
Company being
without com-
missioned
officers.

SECT. 17. *Be it further Enacted*, That whenever any Company of Militia shall be destitute of all commissioned Officers, it shall be the duty of the Commanding Officer of the Regiment or Battalion, and if there be no such Officer, then of the Commanding Officer of the Brigade to which such Company may belong, forthwith to issue his warrant to some one or more Individuals of such Company, or persons liable to do duty therein, commanding him or them to notify and warn all the persons liable to do duty in such Company, to assemble at some suitable time and place to be named in such Warrant, for the purpose of choosing Officers; which warning it shall be the duty of the said person or persons, to whom such warrant may be delivered, to give ten days at least before the time assigned for assembling such Company. And it shall be the duty of such Commanding Officer of a Battalion, Regiment or Brigade, to appoint some suitable Officer to preside at such Election, receive the votes of such Company, and certify the choice to the Commander in Chief.

SECT. 18. *Be it further Enacted*, That when any Company of Militia shall be destitute of all Commissioned Officers for the space of six months, having been legally notified to choose their Officers as aforesaid, then it shall be the duty of the Commander in Chief to issue his orders to the Selectmen of the Town to which the said destitute Company shall belong, requiring them to return him an exact roll of all the men belonging to the said destitute Company, liable by Law to be borne on said Roll, within twenty days from the receiving such Order, and also to revise the said Roll as the law directs, from time to time, when thereby required by the order of the Commander in Chief, within twenty days from receiving such order; and it shall be the duty of the Commander in Chief immediately to distribute and assign the men, borne on the said Roll, to and among the several Companies that are organized, as he shall think best, within the Division where they reside.

Privates of a company neglecting to choose officers to be distributed in other companies.

SECT. 19. *Be it further Enacted*, That the men so distributed, shall be under the command of the Commanding Officer of such Company, to which they shall be so distributed or assigned, and shall do duty under such Commanding Officer, and be liable to all the fines and penalties for disobedience of his orders, or for non-appearance, or for neglecting to equip themselves as in other cases.

Liable to fines, &c.

SECT. 20TH. *Be it further enacted*, That it shall be the duty of the Captain or Commanding Officer of the Company to which such men shall be distributed & assigned as aforesaid, immediately to enrol them with his Company, & to call them out for the purpose of examining their arms & equipments, & instructing them in Military exercises, as often as he is, by Law, enjoined to inspect & instruct his own Company, & to parade them with his own Company or otherwise, as he shall think best, or be directed by his superior Officers.

Captains directed respecting such privates.

SECT. 21ST. *And be it further enacted*, That the Captain, or Commanding Officer of Companies, to which such men may be distributed & assigned as aforesaid, shall have full power to issue his orders to any one or more of the men, that may be distributed or assigned to his Company as aforesaid, or to any Non-commissioned Officer or Private of his own Company, requiring them to warn such men, as may be so distributed & assigned to his Company by the order of the Commander in Chief as aforesaid, to

How persons so distributed, are to be warned to do duty.

meet, armed & equipped as the Law directs, at such time & place as the Commanding Officer of said Company shall appoint, for the purpose of examining their Arms & equipments & instructing them in Military exercises; & the testimony of any person, so appointed by the Captain or Commanding Officer of Companies as aforesaid, under oath to warn & notify the men assigned as aforesaid, or part thereof, to appear at the time & place appointed for any Muster, view of arms, or other Military duty, shall be sufficient to prove due warning was given to the party against whom complaint may be made for Non-appearance.

Testimony of the person giving warning to be considered proof of the fact.

Penalty for Selectmen's neglecting to return roll.

SECT. 22D. *Be it further enacted*, That if any Selectmen of any Town where any Militia Company shall be destitute of Officers as aforesaid, shall neglect or refuse to return an exact Roll of the men as aforesaid, within the time aforesaid to the Commander in Chief as aforesaid, & also to revise the Roll as aforesaid, they shall pay a fine of Fifty Dollars each, for every twenty days they shall so neglect to return the Roll as aforesaid; — to be sued for & recovered by the Brigade Inspector, & in case of a vacancy of this Officer, by the Adjutant General; — one moiety thereof to the use of the Officer who shall prosecute for the same, & the other moiety to the Commonwealth.

Penalty for neglecting to warn a meeting when ordered.

SECT. 23D. *Be it further enacted*, That every Non-commissioned Officer, or other person, who shall neglect, or refuse, to give any warning required by this Act, when ordered thereto by the Commanding Officer of any Company, as aforesaid, by his warrant under his hand, or when commanded to do & perform the duty prescribed in the Eighteenth Section of this Act, shall for every such offence, forfeit & pay a fine of Twenty dollars; — one moiety thereof to the Clerk of the Company who shall prosecute for the same, the other moiety to the Commanding Officer of said Company, in trust for the use of said Company: And when there shall not be any Clerk in such Company, then it shall be the duty of the Brigade Inspector, or in case of a vacancy in that office, then of the Adjutant General, to prosecute for said fine, in which case, one half thereof shall be to the use of the Officer who shall prosecute for the same, & the other half to the Commonwealth.

Selectmen authorized to call a meeting for

SECT. 24. *And be it further Enacted* that whenever a Majority of any Company, destitute of Officers as afore-

said, shall signify their desire, in writing, to the Selectmen of the Town where such destitute Company may be, of meeting & choosing Officers in their own Company, such Selectmen shall immediately notify & warn a meeting for that purpose, by posting up Notifications thereof in two public places, at least, within the limits of said Company, ten days, at least, before the time appointed for such Meeting, & said Selectmen shall preside at such Meeting, & shall receive, count & sort the Votes that may be given in for the Officers, & shall make return thereof to the Commander in Chief, who shall Commission them accordingly; & when so commissioned & qualified, as the Law directs, they shall be the proper Officers of said Company; & the Commanding Officers of Companies to which they have been distributed & assigned as aforesaid, shall cease to continue them on their rolls, or call upon them for any further duty.

choosing
officers, in cer-
tain case.

SECT. 25. *And be it further Enacted*, That the Third Section in the Act to which this is an addition; also an act passed on the twenty-fourth day of February, A.D. Seventeen hundred & ninety-six, & the Resolve passed March the seventh, one thousand seven hundred & ninety-seven, making provision for Major Generals issuing their orders, & providing payment for horses to drag Field Pieces, be, & they are hereby repealed, except so far as respects the recovery of any fines or forfeitures already incurred thereby.

Part of a former
law repealed.

SECT. 26. *And be it further Enacted*, That the several fines & forfeitures, the mode of recovery of which is not herein before specially prescribed, shall & may be recovered in an action of the case in the name of the person authorized to sue for the same, & shall be brought before any Court proper to try the same within the County where the Offender resides.

Recovery of
fines.

Approved March 4, 1800.

1799. — Chapter 74.

[January Session, ch. 43.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER FORE RIVER BETWEEN PORTLAND & CAPE ELIZABETH, & FOR SUPPORTING THE SAME."

SECT. 1ST. *Be it enacted by the Senate & House of Representatives in General Court Assembled, & by the Authority of the same*, that the Proprietors of Portland Bridge be & hereby are granted & allowed the further

Further time
allowed.

time of Nine months for the completion of the said Bridge, any thing in the Act to which this is in addition to the contrary notwithstanding.

Corporate
name altered.

SECT. 2D. *And be it further Enacted* that the Proprietors of Portland Bridge shall in future be called & known by the name of The Proprietors of Vaughan's Bridge, & by that name & stile may plead & be impleaded, & the said name shall in all Suits & records be as valid & effectual in Law as though the name & stile of said Proprietors had not been changed, any thing in the Act to which this is an addition, to the contrary notwithstanding.

Approved March 4, 1800.

1799. — Chapter 75.

[January Session, ch. 42.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PREVENT COMMON NUISANCES."

Provision in
case certain
houses become
nuisances.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the Authority of the same,* That when any house, assigned for the exercising of either of the Trades or Employments mentioned in the Act aforesaid, becomes a Nuisance, by reason of offensive and ill stench proceeding from the same, or becomes otherwise hurtful or dangerous to the Neighbourhood or Travellers, it shall be lawful for any person or persons, who may be aggrieved thereby, to give notice, thereof to the Proprietor or Occupant of such House, so deemed to be a Nuisance; and if the Proprietor or Occupant shall not forthwith remove the same Nuisance, and if, upon Trial as herein after provided, the same shall be considered and deemed a Nuisance, the Owner, Proprietor or Occupant of such house, shall forfeit and pay the sum of Twenty Dollars, for each and every Month which the said Nuisance shall continue, after such notice as aforesaid, to be recovered by Action of the case, by any Person who shall first sue for the same; and in such Action it shall be lawful for the Defendant to tender the general issue, and give any special matter in evidence; and if, upon such Trial, it shall appear to the Jury who shall try the same cause, that the said house, so complained of, is not a Nuisance, it shall be their duty to acquit the Defendant, and he shall be entitled to his costs.

Penalty for
neglect to
remove.

Persons injured
may prosecute
for indemnity.

SECT. 2. *Be it further Enacted,* That any person or persons who may be injured by any such Nuisance, either

in his comfort or the enjoyment of his estate, may have and maintain his special action on the case for the injury and damage which he or they may sustain by reason of such Nuisance; in which action it shall and may be lawful for the Defendant to plead the General issue, and give any special matter in evidence.

Approved March 4, 1800.

1799. — Chapter 76.

[January Session, ch. 46.]

AN ACT FOR REGULATING THE ALEWIVE FISHERY IN THE GULF-STREAM, SO CALLED, THAT RUNS BETWEEN THE TOWNS OF SCITUATE, IN THE COUNTY OF PLYMOUTH, & COHASSET, IN THE COUNTY OF NORFOLK.

Whereas the town of Scituate hath legally granted to Elisha Doane, his heirs & assigns forever, all their right, title & interest in & to the said Gulf-Stream, on certain conditions in that grant specified; — And whereas the town of Cohasset hath legally granted to the said Elisha Doane & Isaac Smith, their heirs & assigns forever, All their right, & title in & to the said Gulf-Stream on certain conditions in their grant mentioned; — which said conditions, stipulated by said Towns, appear to have been complied with on the part of said Doane & Smith — And whereas the said Doane hath agreed, “that if the Flood gates of the said Doane’s Mill-dam should not, in the passage of the said Fish up the Stream, open during the Flood tide, by reason of the Water above, the Proprietors of said Mill shall draw off so much Water from the Mill-Pond as to cause said Gates to open on the Flood tide; & if the Proprietors of said Mill shall refuse, or neglect to draw off said Water from said Pond sufficient for the gates to open as aforesaid, the Fish-Wardens hereafter mentioned, duly authorized for that purpose, shall have authority to draw off from said Pond so much Water as to cause said gates to open as aforesaid, in such manner as shall be least detrimental to the Proprietors of said Mill.”

Preamble.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same, That from & after the passing this Act, the Selectmen of the towns of Scituate & Cohasset shall be Fish-Wardens, & shall be sworn as other Town-Officers, & shall be under like Penalties in case of refusal; And said Wardens shall have authority to regulate*

Selectmen to be
Fish Wardens.

the times & places & manner of taking said Fish ; & also the prices at which said Fish may be sold, not exceeding twenty-five cents for each hundred ; also to farm out or sell for one year, after giving Public notice in each of said Towns, the privilege of taking said Fish, under such regulations as the Wardens shall previously establish ; And it shall be the duty of said Wardens to cause to be removed, all obstructions to the free passage of said Fish up to the Pond where they usually cast their Spawn, & to open, or cause to be opened, sufficient Sluice-ways, or passages for said Fish through the Mill-dams that now are, or that hereafter may be erected above said Doan's Mill, at the expence of the Owners thereof ; Provided that the said Wardens shall exercise no other authority at said Doane's Mill than what is conceded by said Doane, & is contained in the preamble of this Act.

Obstructions to be removed, & sluice-ways opened.

Penalty for breach of regulations.

SECT. 2D. *Be it further enacted*, That if any person shall shut any Sluice-ways, or make any Wears or other obstruction to the free passage of said Fish, during such parts of the months of April & May, annually, as the Wardens shall determine to be necessary for the free passage of said Fish, the person so offending shall forfeit & pay a Sum not exceeding One hundred Dollars ; — & if any person shall break any of the regulations established by said Wardens, the person offending therein shall forfeit & pay a sum not exceeding Ten Dollars.

Fish-Wardens to prosecute.

SECT. 3D. *Be it further enacted*, That it shall be the duty of the Fish-Wardens to prosecute for all breaches of this Act, & for all such regulations as shall be established in pursuance thereof, in any Court proper to try the same, either in the County of Plymouth or Norfolk.

Proceeds appropriated.

SECT. 4TH. *Be it further enacted*, That the proceeds of said Fishery as well as the amount of all fines recovered by said Wardens, shall equally accrue to the said Towns of Scituate & Cohasset, & be paid to the respective Treasurers of said Towns.

Competence of witnesses.

SECT. 5TH. *Be it further enacted*, That any Fish-Warden, as well as any Inhabitant of the respective Towns of Scituate & Cohasset may be a competent Witness in any prosecution under this Act.

Approved March 4, 1800.

1799. — Chapter 77.

[January Session, ch. 54.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT FOR THE INCORPORATION OF THE TRUSTEES OF THE CHARLESTOWN FREE-SCHOOLS."

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, any three of the Trustees of the Charlestown Free-Schools shall form a quorum for the transaction of Business, any thing in the said act to the contrary notwithstanding.

Three Trustees
to form a
quorum.

Approved March 4, 1800.

1799. — Chapter 78.

[January Session, ch. 53.]

AN ACT, IN ADDITION TO AN ACT, ENTITLED "AN ACT FOR THE SUPPORT AND REGULATION OF MILLS."

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the owner or occupant of any Mill-dam, may tender to the owner or occupant of such lands as may be flowed by the erection of such Mill-dam, any sum of money instead of the yearly damages he may be entitled to receive from the Owner or Occupant of such Mill-dam, by virtue of the Act to which this is in addition, within one month after the past year's damages shall have become due ; and if the Owner or Occupant of such Lands, shall not accept the same, but shall present a new Complaint to obtain an increase of said damages, he shall not be entitled to costs thereon, unless he shall obtain an increase of the sum so tendered, any thing in said Law to the contrary notwithstanding.

Case of tender
by the owner
of a mill-dam.

SECT. 2. *Be it further Enacted,* That the Owner or Occupant of lands so flowed, may also offer the Owner or Occupant of such Mill-dam, to receive of him any proportion of the sum established as his yearly damages, by reason of the said flowing, within one Month after the past years' damages shall have become due ; and if the Owner or Occupant of such Mill-dam shall not agree to the same, but shall present a complaint to obtain a decrease of said damages, he shall not be entitled to costs thereon,

Case of tender
by the owner
of lands over-
flowed.

unless he shall obtain a sum to be by him paid as damages, less than the sum which the Owner or Occupant of such Lands offered to receive of him.

Time of complaining.

SECT. 3. *Be it further Enacted*, That no complaint shall be presented, for an increase or decrease of said Yearly damages, until the expiration of one month, after the same shall have become due.

Approved March 4, 1800.

1799. — Chapter 79.

[January Session, ch. 50.]

AN ACT TO INCORPORATE CERTAIN PROPRIETORS OF FRESH-POND MEADOWS IN THE TOWN OF CAMBRIDGE, IN THE COUNTY OF MIDDLESEX, FOR THE PURPOSE OF DRAINING SAID MEADOWS.

Proprietors incorporated.

SEC. 1ST. *Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing of this act, the Proprietors of all the Meadow Lands in the Town of Cambridge, situated between Menotomy-Bridge, and Fresh-Pond, which have heretofore been taxed by the Commissioners of Sewers, be, and hereby are incorporated by the name of The Proprietors of Fresh-Pond Meadows, and by that name may sue and be sued, and do and suffer such acts and things as Bodies corporate ought to do or suffer; *provided* that the lands of Samuel Whitmore junr. Jonathan Whittemore, and Josiah Whittemore are not included therein.

Proviso.

Mode for calling first meeting.

SEC. 2D. *Be it further enacted*, That upon the application of six or more of said Proprietors to any Justice of the Peace in the said County of Middlesex, said Justice is hereby authorized to issue his warrant, directed to one of said Proprietors, to notify a meeting of said Proprietors, at such time and place, and for such purposes as shall be expressed in such warrant; which warrant, and notification thereon, shall be published in one of the Boston News-Papers, and also be posted in some public place in each of the Towns of Cambridge Charlestown, and Watertown; such publication to be ten days, at least, before the time of meeting.

To appoint officers, regulate meetings, raise monies, &c.

SEC. 3D. *Be it further enacted*, That said Proprietors, when legally assembled, shall have power, from time to time, to choose a Clerk, Committee, Assessors, Collectors

of Taxes, and Treasurer, who shall be sworn to the faithful discharge of their duty; which officers shall have the same power, to carry into effect any vote or order of said Corporation, as Town-Officers of like description have by law to do, and perform in their respective offices: And the said Corporation shall, at their first meeting, determine on the manner of calling future meetings: And said Corporation, at any legal meeting for that purpose, shall have power to raise monies for the purpose of removing the obstructions which may be in the brook leading from Fresh-Pond to Mystic-River, or for any other purpose, which they shall think conducive to draining said meadows; and the said proprietors shall have the right to pass up and down the Banks of said Brook from Fresh-Pond to Russell's-Bridge in Charlestown, and to do, and perform all things, which may be necessary, to clear out said Brook and remove all obstructions therein.

Approved March 4, 1800.

1799. — Chapter 80.

[January Session, ch. 55.]

AN ACT TO INCORPORATE EBENEZER BECKFORD & OTHERS, FOR THE PURPOSE OF ESTABLISHING AN IRON MANUFACTORY, AND OTHER PURPOSES THEREIN MENTIONED.

Whereas Ebenezer Beckford & others herein after named, Preamble.
have associated themselves together for the purpose of establishing & carrying on the business of Anchor-Making, and other manufactures of Iron, have at great expence purchased the Mill-seats on Waters'-river (now so called) formerly called the Cow-house-river, in Danvers, in the County of Essex, & have erected mills & other suitable buildings at said place, for the purposes aforesaid, & have petitioned the General Court, that they may be a body politic & corporate, with such powers, as may enable them, more conveniently & effectually, to execute the purposes aforesaid.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Ebenezer Beckford, Persons incorporated.
William Gray, Junr. Joseph Sprague, Benjamin Hodges, William Stearns, Edward Augustus Holyoke, Joshua Ward, Jacob Ashton, Abel Lawrence, Jerathmeel Peirce, Aaron Wait, Nathan Peirce, John Appleton, Joseph Peabody, Ichabod Nichols, George Dodge, John Osgood,

Corporate
name.

Transfer of
shares.

Other mills or
buildings may
be erected.

Amount in
real estate to be
possessed.

Number of
shares, &c.

Benjamin Carpenter, Samuel Putnam, all of Salem, in said County, & Nathan Read of Danvers aforesaid, with all such other persons as have already associated, and all those who may hereafter become Proprietors in said Iron Factory, be, & they hereby are made & constituted a Body-Politic and Corporate, by the name of, “The Salem Iron Factory Company:” And by that name may sue & be sued, in all actions, real, personal or mixed, to final judgment & execution, and may do & suffer all acts, matters & things, which bodies politic, may or ought to do & suffer, and may have & use a common seal, & the same may break and alter at pleasure: *provided however*, That any Proprietor alienating his Share or Shares in said Company, shall thereupon, in respect thereto, cease to be a member of said Corporation, and the assignee thereof, and his heirs, and Assigns, shall be, with respect thereto, thence forward a member of said Corporation vested with all the rights, & subject to all the duties, penalties, & payments, which the Assignor thereof, was or might have been vested with or liable to.

SECT. 2D. *Be it further enacted*, That said Corporation, shall have power, & is hereby authorised to erect, any other mill or Mills or buildings upon said river & near thereto, for the purpose of carrying on any other useful manufacture, or business, which shall appear to said Corporation, to be for the benefit thereof.

SECT. 3. *Be it further enacted*, That said Corporation, may be lawfully seized and possessed of such real estate, as may be necessary & convenient for establishing & carrying on of the said Manufactory, & of any other useful manufacture or business, which shall be found expedient for said Corporation to establish & carry on at said place, and also of as large a personal estate as shall be actually employed therein. *Provided*, that such real estate shall not exceed the value of Thirty Thousand Dollars, and the personal estate Three hundred Thousand Dollars.

SECT. 4. *Be it further enacted*, That the property of said Corporation shall be, & hereby is divided into Fifty Shares, and shall be numbered in progressive order, beginning at number one, & every original member thereof, shall have a certificate under the seal of said Corporation, & signed by the Treasurer, certifying his property in such share, as shall be expressed in said certificate.

SECT. 5. *Be it further enacted*, That the said Corporation shall have power, from time to time, at any legal meeting, to choose a Clerk, who shall be sworn to the faithful performance of his duty, a Treasurer, & such other Officers, Directors, Agents, & Factors, as to said Corporation shall appear necessary, for the management & government thereof, & to make reasonable rules & bye laws for the purposes aforesaid, and the same to repeal at pleasure: *provided*, the same rules & bye laws, to be made hereafter by said Corporation, shall not be repugnant to the Constitution & laws of this Commonwealth, and *provided* the proprietors of Forty Shares, shall assent thereto.

Officers to be chosen, and rules, &c. made.

SECT. 6. *Be it further enacted*, That the articles of agreement, containing the regulations & rules of said Company, which the partners therein made under their hands & seals dated the fifth day of May, A.D. Seventeen hundred & nin[e]ty-Six shall untill the same be altered & repealed, be the rules of said Corporation, so far as the same are not repugnant to the Constitution & laws of this Commonwealth, and so far as the same rules or articles of agreement, are not altered by this Act. And all officers chosen by force of the same articles of agreement, shall and may respectively hold & exercise their several Offices & duties, untill new Officers be chosen in their stead. And all contracts heretofore made by said Proprietors, or their Officers, legally made in behalf of said Proprietors shall be binding upon said Corporation.

Existing rules and regulations may be continued.

SECT. 7TH. *Be it further enacted*, That any share may be alienated by the Proprietor thereof, by a Deed absolute & without condition, under his hand & seal, & acknowledged before some Justice of the Peace, & recorded by the Clerk in a book, to be kept for that purpose, & not in any other manner, except in the cases hereafter provided: And any purchaser shewing to the Treasurer such Deed so recorded, & delivering up to him, the former certificate, shall be entitled to a new Certificate, executed in form aforesaid, certifying the property of such share to be in such purchaser.

Manner of alienating shares.

SEC. 8. *Be it further Enacted*, That any share in said Company may be attached on original process, or levied upon by execution, at the suit of any Creditor of the Proprietor of such share, by the Officer, having the process to execute, giving to the Treasurer or leaving at his place

Shares liable to attachment.

Manner of attaching a share.

of abode, a Certificate, in writing, shewing that he hath attached or taken in execution, such Proprietor's share, at the suit of such Creditor; and the Officer may proceed to sell the same at public auction, as he might by law sell any goods or chattels of such Proprietor, attached or levied upon, to satisfy the Execution of the Creditor; and the Officer may make and execute a Deed of such Proprietor's share to the highest bidder. And the Purchaser producing to the Treasurer a Deed under the hand and seal of such Officer, acknowledged & recorded as aforesaid, shall be entitled to a certificate from the Treasurer, executed as aforesaid, certifying the property of such share to be in the purchaser. And the Treasurer shall have recorded in a book to be kept for that purpose, a Schedule of the names of all the Members of said Corporation, of the several shares of which each Proprietor is owner, and the numbers annexed to such shares; and such book shall be open to the inspection of any Sheriff, Deputy Sheriff, or Coroner, having a process to execute against any Proprietor, or to the inspection of any other person, when demanded, upon the payment of ten cents for each inspection. And in any Action to be brought, or in any judgment to be rendered against said Corporation, the Plaintiff, not being able to find any property of the Corporation to attach on *mesne process*, or whereon to levy his Execution, shall have the right of attaching or levying his Execution on any of the property of the individual Members of the Corporation, in the same manner as if the Action had been brought and the judgment rendered against them in their individual capacity.

Property of individual members may be attached in certain case.

Executors, &c. to have new certificates.

SECT. 9. *Be it further Enacted*, That when any Proprietor shall die possessed of any Share or Shares in said Company, his executor or administrator, upon producing to the Treasurer such deceased proprietor's Certificate or Certificates, shall be entitled to receive a new Certificate, executed in form aforesaid, certifying the property of such share or shares to belong to such Executor or Administrator, who shall hold such share or shares as personal estate of such deceased Proprietor, and shall and may sell and dispose of the same at public auction or otherwise, in the same manner, as by Law he might sell and dispose of any Chattels of such deceased; and such Executor or Administrator shall and may execute and acknowledge a Deed or Deeds of such Share or Shares, and the Purchaser,

producing to the Treasurer the Certificate or Certificates, given to such Executor or Administrator, shall be entitled to receive a new Certificate or Certificates, executed in the form aforesaid, certifying such share or shares to belong to such purchaser: and such Executor or Administrator who shall not have sold such share or shares, shall immediately after the settlement of the estate of such deceased Proprietor, deliver the Certificate or Certificates by him received to the heir or legatee of such deceased, who shall upon producing the same to the Treasurer, be entitled to a new Certificate or Certificates, executed in the form aforesaid, certifying the property of such share or shares to be in such heir or legatee.

SECT. 10. *Be it further Enacted*, That the time and place of all public sales of any share or shares, shall be made known, at least seven days before such sale, by publishing the same in the Salem Gazette, or any Newspaper to be printed at Salem: And if no such Newspaper shall be there printed, then a like notice shall be given in the paper published by the Printer for the General Court, for the time being at Boston, and shall also be posted up in some public place in Salem.

Public sales of shares to be advertised.

SECT. 11. *And be it further Enacted*, That this Act shall be deemed and taken to be a public Act, and as such, may be declared upon and given in evidence in any Court of Law, without specially pleading the same.

This act to be received as evidence.

Approved March 4, 1800.

1799. — Chapter 81.

[January Session, ch. 44.]

AN ACT TO ESTABLISH A MUNICIPAL COURT IN THE TOWN OF BOSTON.

Whereas, from the peculiar situation and circumstances of the Town of Boston, as a Metropolis and Great Sea-Port, the usual mode of enforcing the Laws and administering Justice in Criminal Cases, is attended with great delays and burthensome expenses:

Preamble.

SECT. 1. *Be it therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be holden, within and for the Town of Boston, on the first Monday of every month, by such learned, able and discreet person as the Governor shall appoint and commis-

Municipal Court to be held monthly.

sion pursuant to the Constitution, a Court of Justice, by the name of "The Municipal Court for the Town of Boston:" That the same Court shall have power to adjourn from day to day, and shall have cognizance of all crimes and offences committed within the Town of Boston, which are now cognizable in the Court of General Sessions of the Peace, and cognizance of all crimes and offences against the bye Laws of the said Town, of Frauds, Deceits, Monopolies, Forestalling, Regrating, Thefts and Nuisances. And the said Court shall have power to impose and administer all Oaths, necessary to the legal conviction and punishment of Offenders; and to punish, at the reasonable discretion of the Court, and in like manner as other Courts may lawfully do, all contempts committed against the authority of the same. And the same Court shall have power to appoint and remove its own Clerks; who, when appointed, shall take such Oaths as are by Law provided to be taken by the Clerks of other Courts. And if it shall so happen, that the Judge of said Court shall be unable to attend, from sickness or any other cause, on any day upon which said Court shall be by Law to be held, or to which said Court shall stand adjourned, it shall and may be lawful for the Clerk of said Court to adjourn the same to the next stated term, by Proclamation.

SECT. 2. *And be it further Enacted by the authority aforesaid,* That the Grand Jurors, annually chosen for the Town of Boston to serve in the Court of General Sessions of the Peace, shall be increased to Fifteen within said Town, and shall be summoned to attend said Municipal Court with all the powers and authority vested in Grand Jurors, by the Constitution and Laws of this Commonwealth, and within the jurisdiction of said Municipal Court; and that the Petit Jurors, who shall hereafter be appointed in the Town of Boston, and returned to serve in the Court of General Sessions of the Peace, shall not be less than fifteen in number, whose duty it shall be to attend the said Municipal Court, and to serve in all cases where, by Law, trial by Jury is required, and until another Petit Jury is appointed for the Court of Sessions; and the said Petit Jurors shall be summoned accordingly. And the said Grand Jurors and Petit Jurors shall receive for their services in said Municipal Court the like compensation and in like manner as they by Law are entitled to at the Court of Sessions.

Power of the court.

Clerk authorized to adjourn in certain case.

Number of grand jurors increased.

Number of petit jurors.

Their duty.

Grand and petit jurors' pay.

SECT. 3. *And be it further Enacted*, That the Judge of said Municipal Court shall receive, in full compensation for the discharge of the duties of his office, a stated annual Salary, which shall be paid by said Town of Boston, and which shall be voted and established at any meeting of the Inhabitants legally assembled for that purpose, and which shall not be diminished during his continuance in Office. And all Fees taxed in said Court for the Clerk, Witnesses and Officers thereof, and for all processes issuing from said Court, and other Court charges, shall be the same as by Law are allowed in the Court of General Sessions of the peace in similar cases. And the Precepts of the said Municipal Court shall be directed to and served by the Sheriff of the County of Suffolk, by his Deputies residing within the Town of Boston, and by the Constables thereof respectively. And all prisoners, who shall be arrested and ordered to be committed, by any sentence or Judgment of said Municipal Court, or who shall be ordered to be committed either by the Judge of said Court or by any Justice of the Peace, upon any complaint, to take Trial at the said Court, shall and may be committed to the Gaol of the said County of Suffolk, and there held until discharged by order of said Court, or by order of the Supreme Judicial Court of this Commonwealth; and the Keeper of the Gaol for the said County of Suffolk is hereby directed and required to take the custody of the said prisoners accordingly.

Compensation of the judge.

Court fees.

Precepts to be directed to the sheriff of Suffolk county.

Prisoners to be confined in Suffolk gaol.

SECT. 4. *And be it further Enacted*, That the said Town shall be allowed to choose annually some person, learned in the law, to appear as an Advocate in the same Court, and to conduct the prosecutions therein, and the said Town may allow him such compensation as to them shall appear reasonable; and the said Judge shall tax such fees for said Advocate, in the cases that shall be tried by said Court, as the Attorney General for the Commonwealth, or the Attorney for the County, is, or shall be allowed in the Court of General Sessions of the Peace; the said fees, when received by the Advocate of said Court, shall be accounted for to the Town of Boston. *Provided nevertheless*, That all criminal prosecutions in the said Court shall be under the management of the Attorney or Solicitor General, when either of them shall be present, — the appointment of such Advocate by the Town, notwithstanding.

Town Advocate.

Fees to be accounted for.

Costs of criminal prosecution.

Clerk to deliver certain papers to County Treasurer.

Penalty for withholding fines belonging to the Commonwealth.

When to commence operation.

Appeal allowed.

SECT. 5. *Be it further Enacted*, That all costs which may arise in any criminal prosecution in said Municipal Court, the Judge of said Court is hereby authorized and empowered to examine and tax, not exceeding, in any case, the fees stated by Law; and such costs, so taxed, shall be paid out of the Treasury of the County of Suffolk. And the Clerk of said Municipal Court, shall attest and deliver to the County Treasurer, copies of all bills of cost allowed by the Court, and certificates of all fines and forfeitures imposed and accruing to the County aforesaid, or to the Commonwealth, either before the rising of said Court, or as soon after as may be. And the Clerk of said Municipal Court, and all Sheriffs, Deputy Sheriffs, Coroners and Constables, who may hereafter receive any fines, forfeitures, or bills of costs, in pursuance of the Judgment or Sentence of said Court, which shall accrue either to the County aforesaid or the Commonwealth, shall forthwith pay the same to the Treasurer of said County; and upon neglect thereof, for the space of ten days after such receipt, he shall forfeit and pay double the amount of such fine, forfeiture or bill of cost, to such County Treasurer, who is hereby empowered and directed to sue for the same, to be recovered, with costs, by action of debt, in the Court of Common Pleas in the same County; one third of said penalty to the use of said Treasurer, and the other two thirds to the use of said County of Suffolk.

SECT. 6. *And be it further Enacted by the authority aforesaid*, That this Act shall take effect from and after the first day of May next, and the first Municipal Court shall be held on the first Monday of June next ensuing.

SECT. 7. *Be it further Enacted*, That an appeal shall be had from all Sentences and Judgments of the said Municipal Court to the Supreme Judicial Court, in the same manner that appeals are had from the Court of General Sessions of the Peace. *Approved March 4, 1800.*

1799. — Chapter 82.

[January Session, ch. 48.]

AN ACT MAKING FURTHER PROVISION IN THE JUDICIAL DEPARTMENT.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, And by the authority of the same*, That from and after the first day

of September next the Supreme Judicial Court, established by the Act, intituled, “An Act establishing a Supreme Judicial Court within the Commonwealth,” passed in the year of our Lord one thousand seven hundred and eighty two, shall consist of one Chief Justice, and six other Justices, instead of four, & that the two additional Justices, shall have such qualifications as are required by the Act aforesaid, and may be appointed and commissioned as by the Constitution is provided, at any time after the first day of July next; & that, at any time after that day, a Solicitor General also may be in like manner appointed & commissioned, to do & perform similar duties with the Attorney General. Any three or more of said Justices to constitute a quorum for holding said Court & discharging all the duties thereof.

Number of
Justices.

A quorum.

SECT. 2D. *And be it further enacted*, That, in order to enable said Court to do & perform the increased business thereof, the Commonwealth, except the County of Suffolk, be, & hereby is divided into two Circuits, to be called the Eastern & Western Circuits.—The former to comprehend the County of Essex & all the Counties in the District of Maine; & the latter all the other Counties in the Commonwealth, except the said County of Suffolk.

Circuits
established.

SECT. 3D. *And be it further enacted*, That the times & places for holding said Court, annually, from & after said first day of September next, shall be as follows, vizt. at Boston, in the County of Suffolk, & for the Counties of Suffolk & Nantucket, on the second Tuesday of February, & on the second Tuesday of August;—At Concord, within & for the County of Middlesex, on the second Tuesday of April, & at Cambridge, on the fourth Tuesday of October;—At Worcester, in & for the County of Worcester, on the fourth Tuesday of April, & on the first Tuesday of September;—At Northampton, in & for the County of Hampshire, on the second Tuesday next after the fourth Tuesday of April, & on the Third Tuesday of September;—At Lenox, in & for the County of Berkshire, on the fourth Tuesday next after the fourth Tuesday of April, & on the second Tuesday next after the third Tuesday in September;—At Dedham, in & for the County of Norfolk, on the first Tuesday of February, & on the first Tuesday of August;—At Plymouth, within & for the County of Plymouth, on the second Tuesday of June;—At Barnstable, in & for the County of Barnstable,

Times and
places for hold-
ing the Court.

& for the Counties of Barnstable & Dukes County, on the third Tuesday of June ;— At Taunton, in & for the County of Bristol, on the third Tuesday of October ;— At Ipswich, in & for the County of Essex, on the third Tuesday of April, & at Salem on the second Tuesday of November ;— At York, within & for the County of York, on the second Tuesday next after the Third Tuesday of April, & at Wells, in and for said County, on the second Tuesday of September ;— At Portland, in & for the County of Cumberland, on the fourth Tuesday next after the third Tuesday of April, & on the third Tuesday of September ;— At Augusta, in & for the County of Kennebec, on the sixth Tuesday next after the third Tuesday in April, & on the fourth Tuesday of September ;— At Pownalborough, within & for the County of Lincoln, on the eighth Tuesday next after the third Tuesday of April, & on the first Tuesday next after the fourth Tuesday of September ;— And at Castine, in the County of Hancock, & for the Counties of Hancock & Washington, on the tenth Tuesday next after the Third Tuesday of April. — And the Tuesday of the month in which said Court is to be holden at the several times & places may, in all Judicial proceedings, from time to time be expressed & designated by such Tuesday of the month as will be the real Tuesday on which the Court is to be holden, pursuant to the foregoing Arrangements.

The Tuesday of meeting to be designated in judicial proceedings.

Actions, &c. commenced, to be conformed to the new arrangement.

SECT. 4TH. *And be it further Enacted*, That all Writs, Recognizances, Warrants & Complaints, & every other thing that should after the first day of September next be returned to, or entered at the Court aforesaid, at the times & places heretofore appointed, and all parties & persons, that may be required or directed to appear or attend after the day aforesaid, at the aforesaid times & places, and all actions, suits & matters, that may be pending in the same Court, at the day aforesaid, shall be returned to, entered, appear, & attend, have day, be tried & determined in the said Court, at the respective times & places, established by this Act, pursuant to the true intent and meaning thereof.

Justices, &c. to regulate their attendance.

SECT. 5TH. *And be it further Enacted*, That as said Court, by virtue of this Act, will often sit at or near the same times in different Counties, the said Justices may, from time to time, make such arrangements as will be most convenient to themselves & ensure a punctual at-

tendance of a quorum of their number, as far as may be, at the several times & places at which the said Court is by this Act to be holden. And said Attorney & Solicitor General shall make similar Arrangements as to their Attendance.

Approved March 4, 1800.

1799. — Chapter 83.

[January Session, ch. 51.]

AN ACT TO IMPOWER ASSESSORS, IN CERTAIN CASES, TO RENEW WARRANTS TO CONSTABLES, OR COLLECTORS.

Whereas the Warrants issued by Assessors to Constables or Collectors for collecting taxes, may be lost or destroyed by accident.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the assessors for the time being, of any town, district, parish, precinct, or other society, by law empowered to raise money by taxes, whenever it shall be made to appear to them by any Constable or Collector of Taxes in the town, or other such place, or society as aforesaid, of which they are Assessors, that an original or other warrant issued and delivered to him for the collection of any certain tax committed to him, hath been lost or destroyed by accident, shall be, and hereby are impowered to issue a new warrant to such constable or collector for collecting, the same, which shall have the same force and effect as the original warrant.

New warrant to be issued when the original is lost or destroyed by accident.

Approved March 4, 1800.

1799. — Chapter 84.

[January Session, ch. 45.]

AN ACT TO ASCERTAIN THE QUALITY OF BUTTER, AND FOR THE MORE EFFECTUAL INSPECTION OF THE SAME.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person or persons, whatsoever, from and after the first day of August next, shall ship any Butter for exportation, before he shall first have submitted the same to the view and examination of the Inspector or his Deputy, who shall be appointed as is hereinafter provided; who shall inspect & prove all Butter in Casks, Firkins or Kegs, that shall be intended to be laden on board any Vessel for exportation. And every

No Butter to be shipped unless inspected.

Manner of
inspecting.

such Inspector or his Deputy, shall examine the Casks, Kegs or Firkins containing the said Commodity, intended to be exported as aforesaid, and with an hollow iron searcher, shall, from one side of the head of said Casks, Kegs or Firkins, perforate diagonally to the other head, and thereby draw out so much Butter as shall determine the quality of the whole; and see that it be preserved with a due proportion of good fine salt, sweet & in all respects fit to be exported, without danger of spoiling, to any foreign Market. And every Cask, Keg or Firkin of Butter, which, according to the Inspector's best judgment, appears to be good and merchantable as aforesaid, he shall distinguish by the words *first* or *second*, and all other Butter shall be distinguished by the word *refuse*, and branded in plain legible Letters, together with the Letters MASS. and the name of the Town where it shall be thus inspected, with the initial Letters of his Christian name and his Surname at large. For which services, and for inspecting and weighing the same, and delivering to the Owner an Invoice or weigh note, under his hand, of the weight of each Cask, Keg or Firkin, he shall have and receive four cents for every Cask, Keg or Firkin so inspected, to be paid by the purchaser of the same.

Casks, &c. to
branded.

Inspector's fees.

Casks, &c. how
to be made.

SECT. 2. *And be it further Enacted*, That from and after the first day of August next, every Cask, Keg or Firkin, in which Butter shall be packed for foreign exportation, shall be made of sound and well seasoned White-Oak or Ash staves & heading, full bound, twelve and an half inches in length, and eight and [an] half inches diameter in the head, or fifteen inches in length, and ten and an half inches diameter in the head.

SECT. 3. *And be it further Enacted*, That each Cask, Keg or Firkin, before any butter be packed therein, shall be filled with a strong brine, which shall remain therein, three days; and as soon as the brine is emptied from the Cask, Keg, or Firkin, it shall be weighed by the owner of such butter, who shall with a marking iron, mark on one of the heads thereof the full weight of the cask, keg or firkin, and shall brand or imprint with a burning iron, the initial letter of his Christian Name and his Surname at large; and in case he shall falsely mark the same, such Owner, upon conviction thereof, shall forfeit three dollars.

Vessels not to
be cleared un-
less a certificate

SECT. 4. *And be it further Enacted*, That no butter shall be exported out of this Commonwealth, unless the

Master or Owner of the Vessel produces to the Collector, respecting butter on board is exhibited. or any other Officer, authorized by the Laws of the United States to clear Vessels out, a Certificate from the Inspector General or his Deputy, That the same has been inspected and branded according to the directions in this act; each certificate shall express the number of Casks and their weight; and the Master or Owner of any Vessel, in which butter is so exported, on producing said Certificate, shall take and subscribe the following Oath before the Officer authorized as aforesaid:

I A. B. of do swear that according to the best of my knowledge and belief, the Certificate hereunto annexed, contains the whole quantity of Butter on board Master, and that no butter is shipped on board said Vessel for the Ship's company, on freight, or on cargo but what is inspected and branded according to the Law of this Commonwealth. So help me GOD.

And every Inspector or Deputy Inspector, shall receive Ten cents for every Certificate so given, and it shall be his duty to give Certificates whenever required.

SECT. 5. *And be it further Enacted*, That if any Inspector of Butter, (according to the duties of this Act) shall, on application made for the examination of any Butter as aforesaid, unreasonably refuse, neglect or delay to proceed to such examination and inspection, for the space of three hours after such application so made to him, the Inspector, so refusing, neglecting or delaying to make such examination, or inspection, shall, for each offence, forfeit the sum of Two Dollars. Penalty for delaying to inspect.

SECT. 6. *And be it further Enacted*, That if any person shall counterfeit any Brand, belonging to or proper to be used by the said Inspector, or any of his Deputies, or shall impress or brand any cask, keg or firkin of butter with any brand or brands of such Inspector, or with any counterfeit Brand as aforesaid, he shall forfeit and pay for each offence, the sum of Ten Dollars. Penalty for counterfeiting a brand.

SECT. 7. *And be it further Enacted*, That if any persons shall empty any cask, keg or firkin of butter, inspected and branded as by this Act is required, and put in any other butter, for sale or exportation, without first cutting out the said brands and marks, the person or persons so offending, shall, for each such cask, keg or firkin, forfeit and pay the sum of Ten Dollars. Penalty for putting bad butter in a branded keg.

Recovery of
fines.

SECT. 8. *And be it further Enacted*, That all fines and forfeitures, mentioned in this Act, shall and may be sued for and recovered, with costs, by any person, to his own use, before a Justice of the Peace, or any other Court proper to try the same, with liberty of appeal as in other civil actions.

Inspector to be
appointed.

SECT. 9. *And be it further Enacted*, That there shall be an Inspector of Butter for the Commonwealth, who shall be skilled in the knowledge and properties of the same, to be appointed by the Governor, with the advice and consent of the Council, to be by them removable at pleasure; and who, before he shall enter upon the duties of his office, shall give bond, with sufficient sureties, to the Treasurer of the Commonwealth, in the penal sum of One Thousand Dollars, for the faithful discharge of his duty; and shall also be sworn faithfully to discharge the same.

To be under
bonds.

Inspectors may
appoint deputy
inspectors.

And such Inspector shall have power, when so qualified, to appoint, and shall appoint Deputy Inspectors, in every Seaport Town where butter is exported, and such other places as he shall judge necessary, for whom he shall be answerable, and shall take Bonds from them, with sufficient surety or sureties, in the penal Sum of Five hundred Dollars, for the faithful discharge of their duty, and they shall also be sworn to the faithful discharge of their duty.

Former laws
repealed.

SECT. 10. *And be it further Enacted*, That all former Laws, respecting the inspection of Butter, so far as they relate to the same, be, and hereby are repealed: *provided nevertheless*, That they shall be considered as in full force with regard to all actions and prosecutions which may be now depending for any penalty or forfeiture incurred by breach of the same.

Approved March 4, 1800.

1799. — Chapter 85.

[January Session, ch. 49.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT TO PREVENT THE DESTRUCTION OF THE FISH CALLED ALEWIVES IN TAUNTON GREAT RIVER, SO CALLED, IN THE COUNTY OF BRISTOL, & ALSO TO REGULATE THE CATCHING THE SAID FISH THEREIN FOR THE FUTURE."

Be it enacted, by the Senate & House of Representatives in General Court Assembled & by the Authority of the same, that no two Seines or Drag Nets shall be set, used, or drawn in said River, so that in drawing, or sweeping with said Seines, or Drag Nets, any two points of said River,

Use of two
seines in certain
manner pro-
hibited.

lying & being within twenty rods of each other, shall by different Seines or Drag Nets be drawn over, or swept on the same day — And any person or persons who shall offend herein by approaching within twenty rods of any part of the River that shall have been occupied by another Seine, or Drag Net, on the same day, shall forfeit & pay for each offence the same sum, to be recovered in the same manner & to the same uses as is provided for using Seines & Drag Nets contrary to the Act to which this is in addition.

Approved March 4, 1800.

1799. — Chapter 86.

[January Session, ch. 47.]

AN ACT EXEMPTING MUSCONGUS-RIVER, IN THE TOWN OF WALDOBOROUGH, FROM THE OPERATION OF ALL LAWS REGULATING THE SALMON, SHAD AND ALEWIVE FISHERIES IN SAID TOWN.

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That all Laws heretofore made, which regulate the fishery of Salmon, Shad and Alewives in Muscongus-River, so called, within the Town of Waldoborough, in the County of Lincoln, or that respect any Mill-dam, across said Stream, be so far repealed, that from and after the passing this act, they shall cease to operate, or have any effect, so far as respects said River, or any part thereof, within the said Town of Waldoborough.

Laws not to operate respecting Muscongus River.

Approved March 4, 1800.

1799. — Chapter 87.

[January Session, ch. 52.]

AN ACT PROVIDING FOR THE PUBLIC WORSHIP OF GOD, AND OTHER PURPOSES THEREIN MENTIONED, AND FOR REPEALING THE LAWS HERETOFORE MADE RELATING TO THIS SUBJECT.

SECT. 1. *Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the respective Churches, connected and associated in public Worship with the several Towns, Parishes, Precincts, Districts and othe[r] bodies politic, being Religious Societies, established according to Law, within this Commonwealth, shall at all times have, use, exercise and enjoy all their accustomed privileges and liberties respecting Divine Worship, church-order and

Liberty, of worship, &c. confirmed.

discipline not repugnant to the Constitution of this Commonwealth, and shall be encouraged in the peaceable and regular enjoyment and practice thereof.

Every town &c.
to be provided
with a teacher
of piety etc.

SECT. 2. *Be it further Enacted*, That every Corporate Town, Parish, Precinct, District and other body politic or religious Society aforesaid, is hereby required to be constantly provided with a public Protestant Teacher of Piety, Religion and Morality; and in default of being so provided, and supplied, for the term of three months in any six Months, such Town, Parish, Precinct, District and other body politic or Religious Society, which shall, in the Judgment of the Court of General Sessions of the peace for the same County, be adjudged of sufficient ability to be so provided, shall pay a Fine for a first Offence, of a sum not exceeding sixty Dollars, nor less than Thirty, and for each and every like offence after the first, a fine not exceeding One hundred Dollars nor less than sixty Dollars, together with costs of prosecution; such fine to be recovered by Indictment in the Court of General Sessions of the Peace in the County where such delinquency may happen, and levied on the Inhabitants composing such Town, Parish, Precinct, District and other body politic or Religious Society so delinquent, in the same manner as other fines are levied on the Inhabitants of Towns; and every such fine shall be disposed of, by order of said Court, to the support of the public worship of God in such Religious Society in the same County, as, in the opinion of said Court, shall stand most in need thereof.

Penalties for
neglect.

Fines, how
recovered.

Contracts with
ministers to be
binding.

SECT. 3. *Be it further Enacted*, That any contract made by such Town, Parish, Precinct, District and other body politic or Religious Society, with any such public Teacher aforesaid, as may be by them respectively chosen for their Teacher or religious Instructor, shall have the same force, and be as binding on such Corporation or religious Society, as any other lawful Contract; and all Courts of competent Jurisdiction, shall have power to sustain Suits brought to enforce their performance.

And in order that all the Citizens of this Commonwealth may, according to the wise and reasonable provision of the Constitution, be alike required to contribute to the support of their public Teachers aforesaid:

Assessments for
money, to be
made on all the

SECT. 4. *Be it further Enacted*, That every Town, Parish, Precinct, District and other body politic and re-

ligious Society aforesaid, is hereby authorized to cause all sums of Money, by them respectively voted to be raised, from time to time, in any legal Meeting, duly assembled & holden for that purpose, for the settlement or support of any public Teacher or Teachers as aforesaid, or the building or repairing any house or houses of public worship, to be assessed on all the rateable Polls and property within each particular Corporation or Religious Society, aforesaid, (the polls and estates of Quakers excepted) in the same proportion as State or Town taxes are by Law assessed. And such sums of money, when so assessed and collected, shall be paid into the Treasury of such Town, if composed of one parish or Society; if otherwise, to the Treasurer of the Parish, Precinct, District or other body politic or religious Society aforesaid, to be by him paid out as directed and ordered by the Selectmen of such Town or District, Committee (where chosen) or otherwise by the Assessors of such Parish, Precinct, and other body politic or religious Society, for the purposes for which such money was raised: *Provided however*, That when any person, taxed in any such tax or assessment voted to be raised as aforesaid, for the purposes aforesaid, being at the time of voting or raising any such tax or assessment, of a different sect or denomination from that of the corporation, body politic or religious society by which said tax was so assessed, shall request that the Tax set against him or her, in the assessment made for the purposes aforesaid, may be applied to the support of the Public teacher of his own religious sect or denomination, such person, procuring a certificate signed by the Public teacher on whose instruction he usually attends, and by two other persons of the society of which he is a member, (having been specially chosen a committee to sign said certificate) in substance as follows, vizt.

rateable polls,
except Quakers.

Case of a person's being assessed by one religious society who belongs to another.

Certificate.

We, the subscribers, A. B. public teacher of a society of the religious sect or denomination called in the town, district, precinct, or parish of and C. D. E. F. committee of said Society, do hereby certify, that doth belong to said Society; & that he (or she as the case may be) frequently & usually, when able, attends with us in our stated meetings for religious worship; which certificate having been produced to the Selectmen, committee or assessors (as the case may require), of the

Form of certificate.

town, district, parish, precinct, or other body politic or religious Society, by whom he or she has been taxed as aforesaid it shall be sufficient to require them respectively to order & direct the treasurer of such corporation or religious society, to pay over the amount of such taxes, so applied for, to the use of the public teacher of the religious sect or denomination to which such applicant belongs; and such public teacher shall thereby be entitled to receive the same.

Assessors not to tax those in their parish or society who worship in another.

Taxes on pews not affected.

Former laws repealed.

SECT. 5TH. *Be it further enacted*, That the Assessors of each parish or religious Society within this Commonwealth, may omit, in the taxes Voted to be assessed on the Polls & Estates within such parish or society, such persons living within the limits of the same, as belong to & usually attend public worship in a religious Society of a different denomination. *Provided*, That nothing in this Act contained shall take from any Church or religious Society in the Town of Boston, or any other Town, the right & liberty to support the public worship of God by a tax on pews or other establis[h]ed mode.

SECT. 6. *Be it further enacted*, That all laws providing for the settlement of Ministers, & the support of the public worship of God, made prior to the adoption of the present Constitution of this Commonwealth, be, & hereby are repealed, except so far, as relate to the recovery of all fines and penalties accruing under the same, and the fulfilment of all contracts made under and by virtue thereof.

Approved March 4, 1800.

1799. — Chapter 88.

[January Session, ch. 41.]

AN ACT TO EMPOWER THE SELECTMEN OF THE TOWNS OF BOSTON & CHARLESTOWN TO INCREASE THE NUMBER OF ENGINE MEN IN SAID TOWNS, & FOR OTHER PURPOSES.

SECT. 1ST. *Be it enacted by the Senate & House of Representatives, in General Court Assembled, & by the Authority of the same*, That the Selectmen of the towns of Boston & Charlestown, be, & they hereby are respectively authorized & empowered, if they shall judge it expedient, to nominate & appoint, as soon as may be after the passing of this Act, & ever after, in the month of January annually, any number, not exceeding six men to each

Selectmen authorized to increase the number of Engine-Men.

Engine, in addition to the number of men now authorized by Law.

SECT. 2D. *And be it further enacted*, That all persons legally attached to any Engine within this Commonwealth, be, & they hereby are excused from being chosen or drawn to serve as Jurors in any Court within this Commonwealth, in all cases, where the Town, to which such Engine men belong, shall, at a legal meeting of its inhabitants, by vote, declare the expediency of excusing such person from serving as Jurors.

Engine-Men
exempted from
serving as
Jurors.

Approved March 4, 1800.

RESOLVES
OF
MASSACHUSETTS.
1799.



RESOLVES

OF THE

GENERAL COURT

OF THE

COMMONWEALTH OF MASSACHUSETTS,

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE TWENTY-NINTH DAY OF
MAY, *ANNO DOMINI*, 1799.

BOSTON:

PRINTED BY YOUNG & MINNS,

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RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY, THE TWENTY-NINTH DAY
OF *MAY*, ANNO DOMINI 1799.

His Excellency INCREASE SUMNER, Esquire.*
Governor.

His Honor MOSES GILL, Esquire.
Lieutenant Governor.

COUNSELLORS.

Honorable Thomas Dawes,	Honorable Elisha May,
John Hastings,	Nathaniel Wells,
Eleazer Brooks,	Elijah Brigham,
Oliver Wendell,	Fisher Ames, Esqrs.
Stephen Choate,	
Esqrs.	

SENATORS.

Hon. SAMUEL PHILLIPS, L.L.D., *President*.

SUFFOLK.	MIDDLESEX.
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	William Winthrop, Esqrs.
ESSEX.	WORCESTER.
Hon. Ebenezer March,	Hon. Josiah Stearns,
John Treadwell,	Salem Town,
Nathaniel Marsh, Esqrs.	Bezaleal Taft,
	Thomas Hale, Esqrs.

* On Friday, June 7, His Excellency Increase Sumner, died; and immediately afterwards His Honor Lieutenant Governor Gill, commenced the exercise of the duties of Commander in Chief, agreeably to the Constitution.

RESOLVES, 1799.—MAY SESSION.

SENATORS — *Concluded.*

HAMPSHIRE.

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Samuel Fowler,
Thomas Dwight,
Ebenezer Hunt, Esqrs.

BERKSHIRE.

Hon. William Williams,
David Rosseter, Esqrs.

YORK.

Hon. Simon Frye, Esq.

BRISTOL.

Hon. Samuel Tobey, Esq.

PLYMOUTH, DUKES COUNTY &
NANTUCKET.

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Hon. Alexander Campbell,
Nathaniel Dummer, Esqrs.

NORFOLK.

Hon. Ebenezer Thayer,
John Read,
Seth Bullard, Esqrs.

EDWARD McLANE, *Clerk.*

HOUSE OF REPRESENTATIVES.

EDWARD H. ROBBINS, Esq. Speaker.

County of SUFFOLK.

Boston, Joseph Russell,
William Smith,
Samuel Cobb,
John Lowell, jun.
Joseph Hall,

Boston, Samuel Parkman,
Nathan Frazier,
Hingham, Jotham Gay,
Chelsea, Josiah Batchelder,
Hull.

County of ESSEX.

Salem, Ebenezer Beckford,
William Prescott,
Benjamin Pickman, jun.
Danvers, Gideon Foster,
Ipswich, Nathaniel Wade,
Newbury, Josiah Little,
Newburyport, Enoch Titcomb,
William Coombs,
Jonathan Marsh,
Joshua Carter,
Marblehead, Elisha Story,
Joshua Prentiss,
Lynn and *Lynnfield*, James
Robinson,
Andover, Joshua Holt,

Beverly, Moses Brown,
Rowley, George Todd,
Salisbury, Joshua Follansbe,
Haverhill, Benjamin Willis,
Gloucester, John Rowe,
Topsfield, Ashael Huntington,
Amesbury, Christopher Sargent,
Bradford, Nathaniel Thurston,
Methuen, William Russ,
Boxford, Thomas Perley,
Wenham, Samuel Blanchard,
Manchester,
Middleton,
Hamilton

HOUSE OF REPRESENTATIVES—Continued.

County of MIDDLESEX.

<i>Cambridge</i> , Aaron Hill,	<i>Groton</i> ,
<i>Watertown</i> , Amos Bond,	<i>Shirley</i> ,
<i>Charlestown</i> , Josiah Bartlett,	<i>Pepperell</i> , Joseph Heald,
<i>Woburn</i> ,	<i>Townsend</i> , John Campbell,
<i>Concord</i> , Joseph Chandler,	<i>Draeut</i> , William Hildreth,
<i>Newton</i> , Timothy Jackson,	<i>Bedford</i> ,
<i>Reading</i> , James Baneroff,	<i>Holliston</i> ,
<i>Marlborough</i> , Jonathan Weeks,	<i>Acton and</i> } Jonas Brooks,
<i>Billerica</i> , Oliver Crosby,	<i>Carlisle</i> ,
<i>Frammingham</i> , Jonathan Maynard,	<i>Dunstable and</i> }
<i>Lexington</i> , Joseph Simonds,	<i>Tyngsborough</i> }
<i>Chelmsford</i> , John Minot,	<i>Lincoln</i> ,
<i>Sherburne</i> , Daniel Whitney,	<i>Wilmington</i> ,
<i>Sudbury</i> , Jonathan Rice,	<i>Tewksbury</i> , William Simonds,
<i>Malden</i> Jonathan Oakes,	<i>Littleton</i> ,
<i>Weston</i> , Artemas Ward,	<i>Ashby</i> ,
<i>Medford</i> , Ebenezer Hall,	<i>Stoneham</i> ,
<i>Hopkinton</i> , Walter McFarland,	<i>Natick</i> ,
<i>Westford</i> , Abel Boynton,	<i>East Sudbury</i> ,
<i>Waltham</i> , Abner Saunderson,	<i>Burlington</i> .
<i>Stow and</i> } Ephraim Whit-	
<i>Boxborough</i> , } comb,	

County of HAMPSHIRE.

<i>Springfield</i> , John Hooker,	<i>Colrain</i> , Hugh McLellan,
<i>West Springfield</i> , Jonathan	<i>Charlemont</i> ,
Smith, jun.	<i>Shelburne</i> , Aaron Skinner,
<i>Wilbraham</i> , John Bliss,	<i>Southwick</i> , Saul Fowler,
<i>Northampton and</i> } Quartus	<i>Granville</i> , James Hamilton,
<i>Easthampton</i> , } Pomeroy,	John Phelps,
<i>South Hadley</i> , Ruggles Wood-	<i>Greenfield and</i> } Caleb Clap,
bridge,	<i>Gill</i> ,
<i>Amherst</i> , Zebina Montague,	<i>Greenwich</i> , Thomas Powers,
<i>Granby</i> , David Smith,	<i>Southampton</i> ,
<i>Hatfield</i> ,	<i>Warwick and</i> } Oliver Chapin,
<i>Whately</i> ,	<i>Orange</i> ,
<i>Williamsburg</i> ,	<i>Blandford</i> , William Knox, 3d.
<i>Westfield</i> , James Taylor,	<i>Ware</i> ,
<i>Deerfield</i> ,	<i>Leverett</i> ,
<i>Conway</i> , Malachi Maynard,	<i>Chester</i> ,
<i>Sunderland</i> ,	<i>Bernardston, and</i> } Lemuel Fos-
<i>Brimfield</i> , Abner Morgan,	<i>Leyden</i> ,
<i>South Brimfield and</i> }	ter,
<i>Holland</i> ,	<i>Shutesbury</i> ,
<i>New Salem</i> ,	<i>Enfield</i> ,
<i>Ashfield</i> , Ephraim Williams,	<i>Somers</i> ,
<i>Worthington</i> , Matthew Warner,	<i>Ludlow</i> ,
<i>Chesterfield</i> ,	<i>Norwich</i> ,
<i>Monson</i> , Abner Brown,	<i>Westhampton</i> ,
<i>Pelham</i> , Isaae Abercrombie,	<i>Rowe</i> ,
<i>Hadley</i> , Jonathan E. Porter,	<i>Heath</i> ,
<i>Palmer</i> , Aaron Merriek,	<i>Buckland</i> ,
<i>Montague</i> ,	<i>Cummington and</i> }
<i>Northfield</i> , Elisha Hunt,	<i>Plainfield</i> .
<i>Belcherton</i> , Eleazer Clark,	<i>Longmeadow</i> ,
	<i>Hawley</i> , Edmond Longly.

HOUSE OF REPRESENTATIVES — *Continued.**County of* PLYMOUTH.

<i>Plymouth</i> , Nathaniel Goodwin,	<i>Pembroke</i> ,
<i>Scituate</i> , Elijah Turner,	<i>Kingston</i> ,
<i>Duxbury</i> , Seth Sprague,	<i>Abington</i> , Aaron Hobart,
<i>Marshfield</i> , Elisha Phillips,	<i>Hanover</i> ,
<i>Bridgewater</i> , Nahum Mitchell,	<i>Halifax</i> ,
<i>Middleborough</i> , Nathaniel Wilder,	<i>Wareham</i> ,
<i>Rochester</i> , Nathan Willis,	<i>Carver</i> .
<i>Plimton</i> ,	

County of BARNSTABLE.

<i>Barnstable</i> , Isaiah L. Greene,	<i>Falmouth</i> , David Nye,
<i>Sandwich</i> , William Bodfish,	<i>Truro</i> ,
<i>Yarmouth</i> , David Thacher, jun.	<i>Chatham</i> , Richard Sears,
<i>Eastham</i> ,	<i>Provincetown</i> ,
<i>Harwich</i> , John Dillingham,	<i>Dennis</i> ,
<i>Wellfleet</i> ,	<i>Orleans</i> , Simeon Kingman.

County of BRISTOL.

<i>Taunton</i> , Nicholas Tillinghast,	<i>Rainham</i> , Josiah Dean,
<i>Rhoboth</i> , Frederick Drowne,	<i>Mansfield</i> ,
<i>Swansey</i> , Christopher Mason,	<i>Berkley</i> ,
<i>Dartmouth</i> , Holder Slocum,	<i>New Bedford</i> , Seth Spooner,
<i>Norton</i> , David Clap,	<i>Westport</i> , William Almy,
<i>Attleborough</i> ,	<i>Somerset</i> , John Bowers,
<i>Dighton</i> , George Walker,	<i>Easton</i> , Abiel Mitchell.
<i>Freetown</i> , Nathaniel Morton, jun.	

County of YORK.

<i>York</i> , Joseph Bragdon,	<i>Coxhall</i> ,
<i>Kittery</i> , Andrew P. Fernald,	<i>Waterborough</i> ,
<i>Wells</i> , John Storer,	<i>Limerick</i> ,
<i>Berwick</i> , Richard F. Cutts,	<i>Brownfield</i> ,
<i>Arundell</i> , Thomas Perkins,	<i>Littlefalls</i> ,
<i>Biddeford</i> , Daniel Hooper,	<i>Shapleigh</i> ,
<i>Pepperelborough</i> , Richard Cutts,	<i>Parsonsfield</i> ,
<i>Buxton</i> , John Woodman,	<i>Waterford</i> ,
<i>Lebanon</i> ,	<i>Phillipsburg</i> ,
<i>Sanford</i> ,	<i>Bethel</i> .
<i>Eryeburgh</i> , William Fessenden,	

County of DUKES COUNTY.

<i>Edgartown</i> ,	<i>Tisbury</i> ,
<i>Chilmark</i> , Matthew Mayhew, jun.	

County of NANTUCKET.

Nantucket, Micajah Coffin.

HOUSE OF REPRESENTATIVES — *Continued.**County of WORCESTER.*

<i>Worcester</i> , Nathaniel Paine,	<i>Sturbridge</i> , Thomas Babbitt,
<i>Lancaster</i> , John Sprague,	<i>Hardwick</i> , Jonathan Warner,
<i>Woodstock</i> ,	<i>Western</i> ,
<i>Mendon</i> , Phillip Ammidown,	<i>Leominster</i> ,
<i>Brookfield</i> , John Cutler,	<i>Holden</i> ,
<i>Oxford</i> , Sylvanus Town,	<i>Douglas</i> , Benjamin Craggin,
<i>Charlton</i> ,	<i>Grafton</i> , Nathaniel Adams,
<i>Sutton</i> , Jonathan Woodbury,	<i>Petersham</i> , John Chandler,
<i>Leicester</i> ,	<i>Royalston</i> ,
<i>Spencer</i> , Benjamin Drury,	<i>Westminster</i> , Ebenezer Jones,
<i>Rutland</i> , Zadoek Gates,	<i>Athol</i> , Josiah Goddard,
<i>Oakham</i> ,	<i>Templeton</i> ,
<i>Hubbardston</i> ,	<i>Princeton</i> ,
<i>New Braintree</i> ,	<i>Ashburnham</i> ,
<i>Southborough</i> ,	<i>Winchendon</i> ,
<i>Westborough</i> , Nathan Fisher,	<i>Upton</i> ,
<i>Northborough</i> ,	<i>Dudley</i> , Thomas Learned,
<i>Shrewsbury</i> , Jonah Howe,	<i>Paxton</i> ,
<i>Lunenburg</i> , Jacob Welsh,	<i>Barre</i> , Edmund Howes,
<i>Fitchburgh</i> , William Brown,	<i>Ward</i> ,
<i>Uxbridge</i> ,	<i>Milford</i> , Samuel Jones,
<i>Northbridge</i> ,	<i>Sterling</i> ,
<i>Harvard</i> , Joseph Stone,	<i>Boylston</i> , James Longly.
<i>Bolton</i> and { Silas Holman,	
<i>Berlin</i> ,	

County of CUMBERLAND.

<i>Falmouth</i> , Archelaus Lewis,	<i>Freeport</i> ,
<i>Portland</i> , Woodbury Storer,	<i>Standish</i> ,
<i>North Yarmouth</i> , Samuel P. Russell,	<i>Durham</i> ,
<i>Scarborough</i> , Joseph Emerson,	<i>Raymond</i> ,
<i>Gorham</i> ,	<i>Poland</i> ,
<i>Cape Elizabeth</i> ,	<i>Turner</i> ,
<i>Brunswick</i> , John Dunlap,	<i>Lewiston</i> ,
<i>Harpswell</i> , Joseph Coney,	<i>Buckfield</i> ,
<i>Windham</i> ,	<i>Paris</i> ,
<i>New Gloucester</i> , Nathaniel C. Allen,	<i>Norway</i> ,
	<i>Hebron</i> , Samuel Parris,
	<i>Livermore</i> , Elijah Livermore.

County of LINCOLN.

<i>Pownalborough</i> , David Payson,	<i>Waldoborough</i> , Jacob Ludwig,
<i>Georgetown</i> , Mark L. Hill,	<i>Edgecombe</i> ,
<i>Newcastle</i> ,	<i>Belfast</i> ,
<i>Woolwich</i> , Samuel Harnden,	<i>Warren</i> , Samuel S. Wilde,
<i>Topsham</i> , William King,	<i>Thomaston</i> , Josiah Reed,
<i>Bowdoinham</i> , Elihu Getchel,	<i>Cushing</i> , John McKellar,
<i>Boothbay</i> ,	<i>Bath</i> , Joshua Shaw.
<i>Bristol</i> , Samuel Tucker,	<i>Lewistown</i> , Joel Thompson.
<i>Bowdoin</i> , James Rogers,	

HOUSE OF REPRESENTATIVES — *Concluded.**County of* BERKSHIRE.

<i>Sheffield and</i>	{	<i>John Ash-</i>	<i>Sandisfield and</i>	{	<i>John Canfield,</i>
<i>Mount Washington,</i>		<i>ley, jun.</i>	<i>Southfield,</i>		
<i>Great Barrington,</i>		<i>John Kellogg,</i>	<i>Becket,</i>		
<i>Partridgefield,</i>		<i>Ebenezer Pierce,</i>	<i>Windsor,</i>		
<i>New Marlborough,</i>		<i>Benjamin</i>	<i>Hancock,</i>		
<i>Wheeler,</i>			<i>Richmond,</i>		
<i>Williamstown,</i>		<i>Tompson J. Skin-</i>	<i>Loudon,</i>		
<i>ner,</i>			<i>Washington,</i>		
<i>Lanesborough and</i>	{	<i>Gideon</i>	<i>West Stockbridge,</i>	{	<i>Elijah Wil-</i>
<i>New Ashford,</i>		<i>Wheeler,</i>			<i>liams,</i>
<i>Pittsfield,</i>		<i>Ashbel Strong,</i>	<i>Alford,</i>		
<i>Lenox,</i>		<i>Azariah Eggleston,</i>	<i>Adams,</i>		<i>Abraham Howland,</i>
<i>Stockbridge,</i>		<i>Ephraim Williams,</i>	<i>Bethlehem,</i>		
<i>Egremont,</i>		<i>Joseph Benjamin,</i>	<i>Lee,</i>		<i>Joseph Whiton,</i>
<i>Tyringham,</i>		<i>Elisha Garfield,</i>	<i>Cheshire,</i>		<i>Daniel Brown.</i>

County of HANCOCK.

<i>Penobscot,</i>	<i>Peletiah Freeman,</i>	<i>Frankfort,</i>
<i>Deer Isle,</i>	<i>George Tyler,</i>	<i>Bluchill,</i>
<i>Mount Desert,</i>		<i>Islesborough,</i>
<i>Vinalhaven,</i>		<i>Goldsborough,</i>
<i>Trenton,</i>		<i>Belfast,</i>
<i>Sedgwick,</i>		<i>Orrington,</i>
<i>Sullivan,</i>		<i>Oliver Leonard,</i>
		<i>Castine,</i>
		<i>Mark Hatch.</i>

County of WASHINGTON.

<i>Machias,</i>	<i>Harrington,</i>
<i>Addison,</i>	<i>Steuben,</i>
<i>Columbia,</i>	<i>Eastport.</i>

County of NORFOLK.

<i>Roxbury,</i>	<i>Ebenezer Seaver,</i>	<i>Medway,</i>	<i>Abner Morse,</i>
	<i>Joseph Ruggles,</i>	<i>Walpole,</i>	<i>Moses Ellis,</i>
<i>Dorchester,</i>	<i>John Howe,</i>	<i>Wrentham,</i>	
<i>Milton,</i>	<i>Edward H. Robbins,</i>	<i>Franklin,</i>	<i>Jabez Fisher,</i>
<i>Braintree,</i>		<i>Bellingham,</i>	
<i>Weymouth,</i>	<i>Eliphalet Loud,</i>	<i>Needham,</i>	<i>Jonathan Kingsbury,</i>
<i>Dedham,</i>	<i>Isaac Bullard,</i>	<i>Cohasset,</i>	<i>Thomas Lothrop,</i>
<i>Brookline,</i>	<i>William Aspinwall,</i>	<i>Foxborough,</i>	
<i>Medfield and</i>	{	<i>Quincy,</i>	<i>Moses Black,</i>
<i>Dover,</i>		<i>Randolph,</i>	
<i>Stoughton,</i>		<i>Canton.</i>	
<i>Sharon,</i>			

County of KENNEBECK.

<i>Vassallborough,</i>	<i>Norridgewalk,</i>
<i>Winslow,</i>	<i>Elnathan Sherwin,</i>
<i>Hallowell,</i>	<i>Thomas Fillebrown,</i>
<i>Winthrop,</i>	<i>Nathaniel Fairbanks,</i>
<i>Readfield,</i>	<i>Farmington,</i>
<i>Pittston,</i>	<i>Ezekiel Porter,</i>
	<i>Mount Vernon,</i>
	<i>Nathaniel Dudley.</i>

Chapter 1.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN
OF WINSLOW.

On the petition of the Selectmen of Winslow.

Resolved, for the reasons set forth in said petition, That the present assessors of the Town of Winslow, be and they are hereby authorized and empowered to issue special warrants, in due form, to Asa Phillips, who was appointed a collector of Taxes for said Town, in the year 1796, or to such other person, as said Town may appoint, empowering & requiring him, or such other person, forthwith to proceed to complete the collection of the several taxes, or assessments, which were committed to the said Phillips, in the aforesaid year, by the then assessors of said Winslow.

June 7, 1799.

Chapter 2.

RESOLVE ON THE PETITION OF EBENEZER WHITING, AUTHORIZING THE TREASURER TO ISSUE A NEW NOTE.

On the petition of Ebenezer Whiting setting forth that a State note was issued to him dated April 1st 1783 for the sum of Twelve pounds One shilling and ten pence and numbered 12307 and that the same was not signed by the Treasurer.

Resolved that the Treasurer be and he hereby is authorised to issue a new note to said Ebenezer Whiting for the sum aforesaid and pay the interest on the same in the same way & manner as tho the original note had been duly signed.

June 7, 1799.

Chapter 3.

RESOLVE ESTABLISHING A NOTARY PUBLIC AT LYNN.

Resolved That there be an additional Notary public chosen for the County of Essex to reside in Lynn.

June 7, 1799.

Chapter 4.

RESOLVE FOR AN ADDITIONAL NOTARY PUBLIC IN THE COUNTY
OF NORFOLK, TO RESIDE AT WEYMOUTH.

Resolved, That there be chosen an additional Notary Public for the County of Norfolk to reside at Weymouth.

June 7, 1799.

Chapter 5.

RESOLVE ON THE MEMORIAL OF THE HONORABLE JAMES SULLIVAN, GRANTING HIM ONE THOUSAND DOLLARS, TO DEFRAY THE EXPENSE IN THE PROSECUTION OF A DISPUTE RESPECTING THE PEJEPSCOT PROPRIETORS.

On the Memorial of the Hon. James Sullivan Esquire, Attorney General for the Commonwealth of Massachusetts Stating that in pursuance of a resolve of the Legislature, passed on the 29th June 1798 — he has agreed to submit the Dispute existing between the Pejepsaut Proprietors and the Commonwealth of Massachusetts to Levi Lincoln, Samuel Dexter Junr. & Thomas Dwight Esquires — and that it is necessary money shou[ld] be advanced for the purpose of defraying the Expences in the prosecution of the business aforesaid.

Be it resolved, that there be allowed & paid out of the public Treasury of the Comonwealth aforesaid to the Honble. James Sullivan the sum of one thousand Dollars, for the purpose aforesaid he to be accountable for the expenditures of the same. *June 7, 1799.*

Chapter 6.

RESOLVE FOR AN ADDITIONAL NOTARY PUBLIC AT SALEM.

Resolved, That for the better accommodation of the Inhabitants of Salem in the County of Essex, there be chosen for the present year an additional Notary Public for said County, to reside in said Town. *June 7, 1799.*

Chapter 7.

RESOLVE ON THE PETITION OF JACOB LUDWIG, REMITTING A FINE LAID ON THE TOWN OF WALDOBOROUGH FOR NOT SENDING A REPRESENTATIVE.

On the petition of Jacob Ludwig praying that a fine of seventy six dollars & sixty nine cents laid on the town of Waldoborough for not sending a Representative for the year 1797 may be remitted.

Resolved That for the reason set forth in the petition the said fine be, and it hereby is remitted to the said Town.

June 7, 1799.

Chapter 8.

RESOLVE ON THE PETITION OF THE INHABITANTS OF GRAFTON, RENDERING VALID THE ASSESSMENTS MENTIONED.

On the petition of the Inhabitants of Grafton by their agent, stating that the Revd. John Miles's Settlement, & Salary for the years 1797, 1798 & 1799, have been assessed without having been previously granted by said town.

Resolved, that the sd. assessments be, & they are hereby Rendered as good & valid, and that the same may be collected in as full a manner, as though, a grant of the said Settlement & Salary had been previously made by the sd. town.

June 8, 1799.

Chapter 9.

RESOLVE ON THE LIEUTENANT GOVERNOR'S MESSAGE, DIRECTING THE ORDER OF THE FUNERAL OF HIS LATE EXCELLENCY INCREASE SUMNER, ESQ.

The decease of his Late Excellency Increase Sumner Esqr. having been announced to the two Houses of the Legislature by his Honor the Lieut. Governor, —

Resolved, that the remains of the deceased be interred with military Honours, on Wednesday the twelfth day of June Instant, and that the expense thereof be paid out of the publick treasury.

That the publick procession commence at three o'Clock P.M. at the new State House, & from thence proceed to the Revd. Doctor Eckley's meeting House; and that the Revd. Doctor Thatcher be requested to perform divine Service & deliver a discourse suitable to the occasion.

And be it further Resolved that this Legislature, in testimony of their respect and veneration for their late worthy chief Magistrate, of the high sense they entertain of his faithful discharge of the duties of his important office, during his publick administration, & of their desire to pay all possible respect to his remains, will in a body attend his funeral, & will individually wear a badge of mourning crape upon the Left arm, during the present session of the Legislature.

And be it further Resolved, that a committee of both Houses be appointed to arrange & direct the order & ceremonies of the funeral; and that his Honour, the Commander in Chief, be requested to order a military Escort from the first second and third divisions of the militia.

June 8, 1799.

Chapter 10.

RESOLVE ON THE PETITION OF JAMES D. TUCKER AND DOMINICUS MITCHILL, CONFIRMING THE SALE OF CERTAIN LAND MADE BY THE TOWN OF STANDISH.

On the petition of James D. Tucker & Dominicus Mitchill, a Committee of the town of Standish, praying for a confirmation of the Sale of the School Lands in said town.

Resolved, That the prayer of said petition be granted, and that the Sale of Said Lands, made by the Said town of Standish be and the same are hereby confirmed & Established; the principal Sum arising from the Sale of said Land to be secured to said town to the satisfaction of the Selectmen thereof for the time being, and the Interest thereof to be annually applied to the support of Schools in the said town of Standish.

June 10, 1799.

Chapter 11.

RESOLVE ON THE PETITION OF NEHEMIAH HOLDEN, FOR HIMSELF AND OTHERS, APPOINTING HUGH McLELLAN, TO ASCERTAIN THE QUANTITY OF LAND MENTIONED.

On the Petition of Nehemiah Holden for himself and others siting forth that they are intiteld to two hundred and thirty eight acres of Land by a resolve of the 12th of June 1790 which is not fully satisfied and that there is a strip of land laying between the towns of Charlemont and Hawley that belong to the Commonwealth which is not appropriated.

Resolved that Hugh McClellan Esq. be and he is hereby appointed to ascertain the quantity of land belonging to this Commonwealth between the towns of Charlemont and Hawley and return a plan of the same to this Court at their next session.

June 10, 1799.

Chapter 12.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF PLYMOUTH AND GRANTING A TAX.

Whereas the Treasurer of the County of Plymouth has laid his accounts before the General Court in manner prescribed by Law which accounts are hereby allowed, and the Clerk of the Court of General Sessions of the Peace

for said County, has laid before the General Court, an estimate made by the Court of General Sessions of the Peace, of the necessary charges likely to arise within said County, for the present year, amounting to the sum of Seventeen hundred & thirty Dollars :

Resolved, that the sum of Seventeen hundred & thirty Dollars, be, & hereby is granted as a Tax for the County of Plymouth, to be apportioned, assessed collected & applied for the purposes, aforesaid, agreeable to Law.

June 10, 1799.

Chapter 13.

RESOLVE ON THE PETITION OF SAMUEL HINCKLEY.

On the Petition of Samuel Hinckley, praying for an allowance of interest on a sum of money paid into the Treasury on a contract made with Titus Goodman and his associates by the committee for the sale of eastern lands, bearing date on the third day of March, A D 1795 for the purchase of a Township of land number three, in the first range of Townships lying west of Passamaquoda river; and also for an extention of the times for the payment of three notes given by Titus Goodman, Jonathan Maynard, Park Holland and Elihu Dwight to the Treasurer of this Commonwealth, and for the performance of the conditions of said contract, on account of said contract.

Resolved, that the Treasurer of this Commonwealth be and he is hereby authorised and directed to allow interest on the money paid as aforesaid from the time of payment up to the first day of December last, by endorsing the same on the said notes; and that the said Goodman, Maynard, Holland and Dwight be and they hereby are placed in the same situation in every respect as to the sums of money which are now due on their notes aforesaid, and the periods for the payment of the same, and for the performance of the conditions of the said contract as they would have been in case the said contract had been executed on the said first day of December last. *Provided* that nothing herein contained shall be construed so as to deprive the said Goodman, Maynard, Holland and Dwight of the right they now have, or hereafter may have to recover of the said Hinckley upon his obligation or contract to indemnify them on the account of said notes in case they shall pay the same.

June 10, 1799.

Chapter 14.

RESOLVE ON THE PETITION OF NATHAN ELIOT AND JAMES K. GUERNSEY.

On the Petition of Nathan Eliot and James K. Guernsey, praying for an allowance of interest on a sum of money paid into the Treasury on a contract made with Park Holland, Esq. by the Committee for the sale of eastern lands, bearing date the second day of March, A D 1795, for the purchase of a Township of land numbered three, in the 2d range of Townships lying west of Passamaquoda river; and also for an extension of the times for the payment of three notes given by said Holland, Isaac Maltby and Jonathan Maynard, to the Treasurer of this Commonwealth, and for the performance of the conditions of said contract, on account of the said purchase.

Resolved, that the Treasurer of this Commonwealth be, and he is hereby authorised and directed to allow interest on the money paid as aforesaid, from the time of payment up to the first day of December last, by endorsing the same on the said notes. And that the said Holland, Maltby and Maynard be and they hereby are placed in the same situation in every respect as to the sums of money which are now due on their notes aforesaid, and the periods for the payment of the same, and for the performance of the conditions of the said contract as they would have been in case the said contract had been executed on the said first day of December last. *Provided* that nothing herein contained shall be so construed as to deprive the said Holland, Maltby and Maynard of the right they now have or hereafter may have to recover of the said Eliot and Guernsey upon their obligation or contract of indemnity the amount of said notes, in case they shall pay the same.

June 10, 1799.

Chapter 15.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR DUKE'S COUNTY AND GRANTING A TAX.

Whereas the Treasurer of the County of Duke's County, has laid his Accounts before the General Court in manner prescribed by Law, which Accounts are hereby allowed:

And Whereas the Clerk of the Court of General Sessions of the Peace, for said County has laid before the General Court an estimate, made by the Court of General Sessions of the Peace for said County, of the necessary charges likely to arise within said County the present year, amounting to Three hundred Dollars :

Resolved, That the sum of Three hundred Dollars be & hereby is granted as a Tax for said County of Dukes County to be apportioned, assessed, collected & applied in manner as the Law directs.

June 10, 1799.

Chapter 16.

RESOLVE APPOINTING A COMMITTEE TO EXAMINE THE TREASURER'S ACCOUNTS, &c.

Resolved, That the Hon. Thomas Dawes and John Coffin Jones be a Committee to examine, and adjust the Accounts of the Treasurer of this Commonwealth from the first day of July last, to the first day of July next, and that the said Committee are impowered & directed to deface all Notes due bills, & orders, issued under the Authority of this Commonwealth, by any officer thereof, that have been redeemed by the Treasurer during the time aforesaid : And to report an Account of their proceedings at the next Session of the General Court.

June 10, 1799.

Chapter 17.

RESOLVE GRANTING A TAX FOR THE COUNTY OF HAMPSHIRE, FOR THE ERECTING AND COMPLETING A NEW GAOL IN SAID COUNTY.

Whereas the Clerk of the General Sessions of the Peace for the County of Hampshire has laid before the General Court an Estimate made [made] by Said Court of Sessions of the Necessary Charges likely to arise the Present Year for the Erecting and Compleating a new Goal in Northampton in Said County of Hampshire Amounting to four Thousand Dollars and that the Sum of Two Thousand Six hundred Dollars part of Said Sum of four Thousand Dollars be Assessed on the Inhabitants of Said County of Hampshire :

Resolved that Two Thousand Six Hundred Dollars be and the same is hereby granted as a Tax for the Said County of Hampshire to be Apportioned, Assessed, Collected, and Applied for the purpose aforesaid According to Law.

June 10, 1799.

Chapter 18.

RESOLVE ON THE MEMORIAL OF CHARLES CHAUNCEY FORMERLY ATTORNEY FOR SOME OF THE HEIRS OF SIR WILLIAM PEPPERELL, DECEASED.

On the Memorial of Charles Chauncey formerly Attorney for some of the heirs of Sir William Pepperrell Baronet deceased. shewing, that in a piece of Land in Kittery is Situated the Tomb where the sd. Sir William Pepperrell with his Ancestors & many others of the same Family are deposited; which piece of Land together with other Lands formerly belonging to the sd. Pepperrell to a very large Amount are now the property of this Commonwealth; and praying that in consideration of the important Services performed by the sd. Pepperrell for his Country sd. Land may be granted to his Heirs.

Resolved that there be and hereby is granted to the Heirs of Sir William Pepperrell Baronet late of Kittery in the County of York deceased. their Heirs & assigns, the above mentioned Tract of Land lying in sd. Kittery in which is the Tomb, where the sd. Sir William Pepperrell. with his Ancestors & many others of the same Family are deposited sd. Land lying on the North Side of the high way and adjoining Land of the late Colo. Sparhawk and contains about twenty Acres.

June 11, 1799.

Chapter 19.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE TWO BRANCHES OF THE LEGISLATURE.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to each member of the Council, Senate, and House of Representatives Two Dollars per day, for each day's attendance the present Session, and a like sum for every ten miles distance from their respective places of abode to the place of the sitting of the General Court. And it is further *Resolved*, that there

be paid to the President of the Senate, & Speaker of the House of Representatives, each Two Dollars per day, for each day's attendance over and above their pay as Members.

June 12, 1799.

Chapter 20.

RESOLVE DIRECTING THE TREASURER TO SUSPEND ISSUING A NOTE IN FAVOR OF OBADIAH SILVESTER, TILL FURTHER ORDER.

On the Representation of the Treasurer of the Commonwealth respecting a Note which he was directed to Issue in favour of Obadiah Silvester instead of one said to be drawn on a forged Order — In a Resolve passed the first day of March A D 1799 for the sum of £25.15.

Resolved that the Treasurer be and he is hereby directed to suspend Issuing said Note till further Order of the General Court.

June 13, 1799.

Chapter 21.

RESOLVE ON THE PETITION OF PAUL LITTLE, IN BEHALF OF THE INHABITANTS OF THE TOWN OF WINDHAM, AUTHORIZING THEM TO SELL THE LANDS MENTIONED.

On the Petition of Paul Little and others a Committee in behalf of the Inhabitants of the Town of Windham, in the County of Cumberland, praying for liberty to sell and dispose of a right of land through said Town, appropriated for the use and improvement of a Congregational minister in the same.

Resolved, for reasons set forth in said Petition, that the prayer thereof be so far granted, as that the Inhabitants of said Town of Windham, be and hereby are authorised and empowered to sell and dispose of all the ministerial lands in said Town, except the ministerial lot number five, in the first division of hundred acre lots in said Town. And that the net proceeds of said sale be vested in a fund, and the interest arising therefrom be applied towards the support of the minister aforesaid.

June 13, 1799.

Chapter 22.

RESOLVE ON THE PETITION OF JEREMIAH WHITHAM, GRANTING HIM AN ADDITIONAL PENSION.

On the Petition of Jeremiah Whitham of Sanford In the County of York, an invalid soldier, who was wounded in the expedition against Cape Breton and is now about seventy years of Age.

Resolved that the Prayer of said Petition be so for Granted, that the said Jeremiah Whitham, shall be Annually allowed & paid out of the public Treasury of this Commonwealth fifteen dollars, from the first day of June Inst. during his natural Life — In Addition to his pension already established by Law Amounting in the whole to the sum of Twenty five dollars per year.

June 13, 1799.

Chapter 23.

RESOLVE ON THE PETITION OF JAMES PERRY, IN BEHALF OF THE TOWN OF EASTOWN, APPOINTING A COMMITTEE TO VIEW THE PREMISES AND CONSIDER THE CIRCUMSTANCES AND REPORT.

On the petition of James Perry, in behalf of the town of Eastown in the County of Bristol stating that the Justic[es] of the Court of the General Sessions of the peace in and for said County — Caused a highway to be laid out in said town of Eastown the making of which fit for public use will require a Greater Sum of money than the town is able to pay ; — and praying that a Committee of the General Court may at the Expence of the petitioner be sent to View the premisses.

Resolved that John Read, Esq. Mr. Bullard & Mr. Howe of Dorchester be and hereby are appointed a Committee at the Expence of the petitioner to View the premises and Consider all circumstances that they may think proper to determine the Amount of the Expence Necessary to make the said highway fit for public use, and make report thereof at the Next Session of [*the*] General Court.

June 14, 1799.

ANSWER OF THE SENATE TO THE SPEECH OF THE LIEUTENANT GOVERNOR.

May it please your Honor,

The Senate receive with pleasure your communications to both Houses of the Legislature. A reciprocation of sentiments between the several branches of Government is highly beneficial.

We lament — we individually & deeply lament, the heavy loss which the Commonwealth has sustained in the death of our late excellent Governor. He possessed an assemblage of virtues & talents, which eminently qualified him for his dignified station. The great majority of suffrages by which he was last re-elected, fully evinces the approbation of his fellow citizens, & the high sense they entertained of his merit. His candour and sincerity, the purity of his mind and invariable rectitude of his conduct, will long secure him a place in their grateful remembrance: His death therefore is not less a public than a distressing private calamity. But unerring wisdom guides the counsels of Heaven, and it is our duty patiently to submit to this mournful dispensation.

An attention to the means of education is one of our most important public duties. Knowledge is the source of virtue and true religion, which are not only ornamental to society, but necessary to the preservation of Freedom. Where they are wanting the Government may still be called Republican, but its principle will be fear, and its operation tyranny. We are therefore bound by interest, as well as respect to the Constitution and the memory of our pious Ancestors, to afford all necessary encouragement to our University at Cambridge, & other well regulated Seminaries of Learning.

All suitable encouragement to Agriculture and Commerce, which may be proper for the State Government, we shall at all times cheerfully afford. And in our legislative labors shall aim at system, plainness and simplicity.

The Governments of the several States in our Union are perhaps adequate to afford personal protection, and to maintain tranquility within their respective limits: But it is the Government of the whole Confederacy that we are to consider as alone capable of securing respectability in the eyes of the world, or even of preventing discord among the States themselves. As these then are highly estimable

objects; as we value internal tranquility, the protection of our commerce, and security from foreign rapacity, so ought we to cherish a zeal for the Federal Constitution, and an attachment to the Government by which it is administered. Though these are the sentiments of the great body of our fellow citizens, yet it is much to be lamented that there exists among us even a small minority, who seem dissatisfied with a Government that secures to them a greater portion of civil and religious liberty than is enjoyed by any other Nation on earth; and who have transferred their affections, if not their allegiance, from their native Country, from the Government of their own creation, to a foreign power which makes force its only measure of right, not only to other nations, but even to its own subjects — This disaffection, this apostacy of our fellow citizens, as it seems without an adequate motive, must excite the surprize of other nations; and as it endangers our own tranquility & independence, deserves to be strongly discountenanced by every good citizen.

In your Honor's official conduct, we doubt not you will be governed by a sense of duty, & a view to the public good alone — principles which not only must command the esteem of the virtuous and wise, but we trust will secure you a more complete reward in the approbation of your own conscience, and the blessings of Heaven.

June 15, 1799.

ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE SPEECH
OF THE LIEUTENANT GOVERNOR.

May it please your Honor,

The House of Representatives have received with sensibility & respect the communications which your honor has been pleased to make to them in conformity to established, and almost immemorial usage. Those practices and usages which have been sanctioned by Long experience demand our respect, unless the most powerful and cogent reasons can be opposed to them. In an age distinguished by its rage for innovation, our respect for ancient Institutions should be redoubled. The reciprocation of sentiments between the different branches of the Government, produces harmony, advances the public interest, and tends to promote good order & the happiness of the People, which is the end, & ought to be the aim of every

free Government. We sincerely sympathise with your honor in the grief occasioned by the death of our late excellent Chief Magistrate. In adverting to this melancholly event, we cannot refrain from pausing, and dwelling for a moment on those qualities of the deceased, which so remarkably endeared him to his fellow Citizens. In him were singularly united all those virtues which conciliate affection and command respect. To an uncommon mildness of temper, and a disposition to promote the happiness of all were joined unshaken firmness, and an unyielding sense of duty. His knowledge & discernment enabled and his regard for the public good prompted him to make the most judicious appointments. A correct and enlightened understanding, and a long and intimate acquaintance with the science of Jurisprudence, qualified him to form just opinions of the expediency & constitutionality of such Legislative acts as were submitted to his consideration. The whole tenor of his life evidenced the sincerity of his piety, & his unaffected patriotism. Surely the death of such a Magistrate, and at such a crisis, must be considered, as a most serious public calamity, and if the ardent prayers of his Fellow Citizens could have prolonged his most valuable life, long, very long, would he have continued a blessing, and an ornament to his country. Nor will his death be lamented by the Citizens of this State alone, — the Friends of the Federal Government throughout the Union will deeply regret the loss of a man, who in discharging the important duties of his high office, gave on every proper occasion his decided support to the measures of that government.

The excellent principles of our Constitution, founded wholly on the basis of equal representation & rational liberty, if properly attended to, & duly executed, cannot fail under the blessings of Divine Providence to promote the happiness of the People, & to ensure the prosperity of the Republic. Intelligence & virtue, are essential ingredients in the character of Republicans — without them Nations may fancy themselves free, while they are loaded with fetters, and with them a brave people, can never be long enslaved, altho' they may be occasionally oppressed. The general means of education therefore cannot be too highly encouraged and the University at Cambridge, as well as all other Seminaries of Learning, merit our peculiar regard, not only from the solemn injunctions of the Constitution, but from the important and distinguished ben-

efits, which have flowed from those Literary fountains. The Christian Religion, is the grand basis of Public & private virtue. While we lament the introduction of modern philosophy, the spreading of atheistical principles, and the consequent decline of religious worship, we fully accord with your honor, that it is our incumbent duty to support, maintain, and extend those public Institutions of Religion, so dear to our pious ancestors, and which we justly estimate, as the foundation of our National Glory & public happiness. The State of the Treasury is grateful to our feelings, and honorable to the financial policy of our predecessors. The promotion of the arts & sciences which adorn & improve, and the encouragement of agriculture and commerce, which enrich a Nation, are certainly important objects of Legislation. To revise & to adapt our Laws to the present improved state of our Country, will continue to be the subject of our attention.

While we contemplate with pleasure the tranquil and happy situation of this Commonwealth, we cannot forget that our future prosperity in a great measure depends, under God, upon our own exertions. Our Federal Constitution was the result of a common sense of public danger, and of a general conviction of the total inefficiency of our old Confederation. — In its formation it was the work of the whole American People — In its execution, it has been upheld by their virtue, and supported by their affection — In its principles, it was therefore naturally mild, safe, and equal — In its administration, it has been uniformly wise, patriotic, and efficient — If there have been any deluded citizens, who have looked upon the Federal Government with a jealous, and with a jaundiced eye, if they have regarded as a Foreign power the common guardian of our National Rights, their numbers must at this moment be too inconsiderable to be dangerous — We regret that any past humiliating events in our Country, should have rendered such remarks necessary, but we are happy in the full conviction, that the American People are fast returning to a just sense of their National Character.

Without spirit Nations, like individuals, will be trampled upon — Without a just & becoming sense of National Character, we fully agree with your honour, that we should soon become the Tributaries, as we have long been the objects of the Rapine & lawless plunder of a Foreign

Nation. Internally we must cultivate a spirit of obedience, & cheerfull support to the laws, and to those who administer them; for no axiom in politics is better founded than the one advanced by your honor, that to counteract or calumniate the measures of the Federal, or State Constituted authorities, is a direct & alarming blow aimed at the Sovereignty of the People themselves.

Any communications which may be made from the Chair, will merit our respect, and shall receive our serious & deliberate consideration.

The assurance which your honor has been pleased to make, that in such appointments, as shall unavoidably devolve upon you, in the course of the present year, you will have a view only to the Public good, merits our highest approbation. If fair characters, pure morals, tried patriotism, & competent abilities, shall be the only recommendations to office, the Magistrates of Massachusetts, will in truth, “become a Terror to evil doers, and a praise & encouragement to such as do well.” *June 15, 1799.*

Chapter 24.

RESOLVE ON THE PETITION OF JOHN WARREN, EXTENDING THE TIME OF COMPLETING HIS SETTLEMENT UPON THE TOWNSHIPS MENTIONED.

On the petition of Dr. John Warren praying an extension of the time of completing his settlements upon the townships mentioned in his said petition.

Resolved that whereas the said Warren has wholly paid the monies contracted to be paid upon two of said townships & has made Large payments upon ye others some of which were paid before they became due, he be allowed the term of one year in addition to the several original periods of settlement upon township No. 5 in the fourth Range of townships North of ye Waldo Patent, and also the term of two years in addition to the several original periods of settlements upon the other townships mentioned in his said petition. *June 15, 1799.*

Chapter 25.

RESOLVE ON THE MEMORIAL OF JAMES SULLIVAN ESQ. GRANTING HIM SIX HUNDRED DOLLARS IN ADDITION TO HIS USUAL SALARY.

On the Memorial of James Sullivan Esqr. praying for an additional grant for the Two Years last past.

Resolved that there be allowed & paid out of the Public Treasury to James Sullivan Esquire Attorney General Six hundred dollars which with his usual Salary shall be in full for his Services, from the 22d day of June A D 1797, to the 22d of June instant.

June 15, 1799.

Chapter 26.

RESOLVE ON THE PETITION OF LUKE BENIS.

On the Petition of Luke Bemis praying for permission, to pay to the printer of this Commonwealth, in Paper, the several sums of Money due from him to this Commonwealth.

Resolved, that the Prayer of his petition be so far granted, that he be allowed to postpone the payment of his first instalment which will become due the first day of July next, untill the first day of January next, which will be in the Year 1800 — and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

June 17, 1799.

Chapter 27.

RESOLVE AUTHORIZING CIVIL OFFICERS IN KENNEBECK TO FINISH BUSINESS COMMENCED BEFORE THE DIVISION OF THE COUNTY OF LINCOLN.

Resolved, That in all cases wherein a Justice of the Peace within and for the County of Lincoln before the late Division thereof rendered Judgment in any Civil Action, or received the acknowledgment of a Debt in that part of said County which now constitutes the County of Kennebec, and the same Judgment remains unsatisfied in whole or in part — it shall be lawfull for the said Justice, in case he be a Justice of the Peace within & for the said County of Kennebeck duly appointed, Commissioned & qualified as such to issue execution, alias & pluries executions on such Judgment or Acknowledgment, and he is hereby fully authorized & empowered to issue the same accordingly, to the Sheriff of said County of Kennebec, or to his Deputy, or to any Coroner of said County, or to any Constable of any of the towns in said County as the Case may require, returnable to said Justice. And either of the said Officers shall have the same power and Authority to levy, serve & return any such Execution so

issued that he would have had, had said County of Lincoln not been divided, and the same execution had been duly issued by the Justice that rendered the Judgment, and as a Justice within & for the said County of Lincoln.

And be it further Resolved, That, the Judge of Probate for the County of Lincoln is hereby authorized & empowered to execute & finish all the business within the County of Kennebec which was commenced before him previous to the late division of said County of Lincoln.

June 17, 1799.

Chapter 28.

RESOLVE ON THE PETITION OF DEBORAH CHOMOCHO, AUTHORIZING THE GUARDIAN OF THE NATICK INDIANS TO SELL THE LAND REFERRED TO.

On the Petition of Deborah Chomocho one of the Natick Indians, praying for leave to sell and convey about twelve Acres of land, for the purposes mentioned in said petition.

Resolved, That the prayer of said Petition be granted, and that the Guardian of the Natick Indians be, and he hereby is authorized to sell and convey, at vandue or private sale (as he shall think best) the land referred to in said petition, and make and execute a good deed or deeds to the purchaser or purchasers thereof, said Guardian to be accountable for the expenditure of the monies arising from the sale in the same way and manner as he is chargeable for other monies as Guardian for the said Natick Indians.

June 17, 1799.

Chapter 29.

RESOLVE ON THE REPRESENTATION OF THE QUARTER MASTER GENERAL, EMPOWERING HIM TO ERECT A WOODEN BUILDING UPON THE PIECE OF GROUND VOTED BY THE TOWN OF BOSTON, TO BE APPROPRIATED TO SAFE KEEPING THE ARTILLERY AND MILITARY STORES.

The Committee of both houses, to whom was refer'd the representation of the Quarter Master General, stating The vote of the Town of Boston, authorising the Selectmen to accomodate him with a piece of ground at the Southwesterly part of the Common, to erect suitable buildings for securing the Artillery & military Stores of the Commonwealth, & enclosing the same. & also the

present scattered & insecure situation of many of said military Stores, most of which are of great value & importance, ask leave to report the following resolution.

SALEM TOWN *pr. order.*

Resolved, That Amasa Davis Esqr. The Quarter Master General be & he hereby is authorised & empowered to erect upon the piece of Ground, voted by the Town of Boston for the use of the Common wealth, a wooden building One hundred & twenty feet in length, fourteen feet high & twenty feet wide, to be shingled & eighty feet thereof to be covered on every side, with proper doors, windows & shutters, & also to enclose the whole of said ground with a fence, Ten feet in height to adjoin said building—to be appropriated to the safe keeping & securing the Artillery & Military Stores of this Commonwealth; & for the purpose of erecting & finishing the same, there be allowed & paid out of the public Treasury to the said Quarter Master General, the sum of Seven hundred & fifty Dollars, he to be accountable therefor.

June 17, 1799.

Chapter 30.

RESOLVE DIRECTING THE ATTORNEY GENERAL TO ATTEND TO THE SUIT COMMENCED AGAINST JAMES DENNET, &c.

Whereas it is represented by James Gray Junr. in his Petition that a Suit is pending against Samuel Dennet, Jnr. and another for erecting a Mill in Pepperelboro in the County of York by which the Ancient privelidges of Certain mills there called Pepperells Mills, a part of which is now the property of the Commonwealth — are interrupted and Injured, therefore

Resolved that the Attorney General, be and he hereby is directed & empowerd in behalf of the Commonwealth to attend to the Said Suit or action & to do therein Whatever is Necessary & expediant to be done for the Public Interest.

June 17, 1799.

Chapter 31.

RESOLVE ON THE PETITION OF ROBERT SETOM, EMPOWERING WILLIAM BUTLER TO MAKE SALE OF THE LAND MENTIONED.

On the petition of Robert Setom an Indian man of Edgartown in the county of Dukes County praying for liberty to sell real estate.

Resolved that the prayer of said petition be granted & that William Butler Esqr. be, and he is hereby empowered to make sale of the land of the said Robert Setom, as mentioned in his petition, for the most the same will fetch, for the purposes of discharging said petitioners debts, the charge of sale & for the support of the said Robert and his wife, he the said Butler observing the rules and directions of the law, for the sale of real estates by executors and administrators.

June 17, 1799.

Chapter 32.

RESOLVE ON THE PETITION OF JEDUTHAN WELLINGTON, GUARDIAN TO ABRAHAM HILL, EXTENDING THE TERM FOR THE PURPOSES MENTIONED.

On the Petition of Jeduthan Wellington, Guardian to Abraham Hill, praying that the time allowed to him by a resolve passed June 26, 1798, to file Copies with the Clerk of the Supream Judl. Court in two causes therein mentioned, may be extended. The Committee of both houses ask leave to report the followg. resolutn.

Resolved that the term mentioned in said Resolve, be extended to the term of eighteen months from the time of passing the same, any thing therein contained to the Contrary notwithstanding.

June 17, 1799.

Chapter 33.

RESOLVE DIRECTING THE SECRETARY TO CERTIFY A BALANCE DUE TO ISHMAEL SPINK, A SOLDIER IN THE LATE CONTINENTAL ARMY.

On the petition of Gideon Wheeler in behalf of Shebna Spink, for a balance due to his son Ishmael Spink for his service as a Soldier in the late Continental Army.

Resolved that the Secretary be directed to certify to the Treasurer the sum which may be due to the said Ishmael,

and the Treasur[er] is hereby directed to issue his note to the said Shebna Spink for the sum of Fourteen Pounds three shillings & eight pence, being the sum which appears to be due to the said Ishmael Spink, in the same manner as Notes have been heretofore given for similar services.

June 18, 1799.

Chapter 34.

RESOLVE ON THE PETITION OF RALPH ANNIS, JUN. AND OTHERS.

Upon the petition of Ralph Annis junior, & others praying for an extension of time for the payment of Lands in Township No. 2 in the second range, west of Penobscot River.

Resolved that the prayer of the petition be so far granted, that the petitioners have Twelve Months from & after the passing of this Resolve to comply with the conditions of the resolves of the eighteenth day of March, & the thirteenth day of June, One thousand seven hundred & ninety seven, upon the petition of Daniel Neal, and others.

June 18, 1799.

Chapter 35.

RESOLVE ON THE PETITION OF JUDITH SOUTHER, DIRECTING THE QUARTER MASTER GENERAL TO MAKE HER COMPENSATION FOR THE IMPROVEMENT OF THE LAND MENTIONED.

On the petition of Judith Souther praying compensation for a peice of Land on which the Fort at Hull has been erected for the use of this Commonwealth.

Resolved, That [that] the Quarter Master General of this Commonwealth make a reasonable compensation to the said Judith Souther for the improvement of the Land, whereon the Fort at Hull is now erected, & for any damage that other parts of her Land, may receive in consequence of said Fort's being erected, and if the Quarter Master General & the said Judith Souther cannot agree on the amount to be paid, the Quarter Master General is hereby authorized to leave the decision to disinterested Arbitrators, to be chosen by the Quarter Master General & the said Judith Souther whose award shall be final.

June 18, 1799.

Chapter 36.

RESOLVE ESTABLISHING THE PAY OF THE CLERKS IN THE SECRETARY'S AND TREASURER'S OFFICES.

On the Petition of Joseph Laughton, William Harris, John Devotion and Henry Scott.

Resolved, That the pay of Joseph Laughton, first Clerk in the Treasurer's Office, be at the rate of two dollars and fifty cents per day exclusive of Sundays commencing on the 29th day of May 1799, to be paid out of the Treasury of this Commonwealth. That the pay of William Harris, first Clerk in the Secretary's Office, be at the rate of two dollars and fifty cents, per day exclusive of Sundays; and that the pay of John Devotion and Henry Scott Clerks in the same office, be at the rate of one dollar and ninety two cents each per day exclusive of Sundays commencing at the same time, and that the same be likewise paid out of the public Treasury of this Commonwealth. This establishment to continue until the first Session of the next General Court.

June 18, 1799.

Chapter 37.

RESOLVE ON THE PETITION OF CHARLES GOODRICH.

On the Petition of Charles Goodrich Esquire — praying an allowance for the interest of money which he paid to the Commonwealth in the year of our Lord 1772 or other Compensation for losses he Sustained by the running of the line between the Commonwealth of Massachusetts & the State of New York.

Resolved, that the Committee for the Sale of the unappropriated lands in the County of Berkshire, be and they hereby are directed to allow to the Said Charles Goodrich one hundred and eighty two Dollars and eighty cents, on a final Settlement between them the Said Committee in behalf of the Commonwealth & the Said Charles; for land which he has located and taken up to Satisfy his Demand against the Commonwealth agreeable to a resolve of the General Court of November 22d 1788.

June 19, 1799.

Chapter 38.

RESOLVE ON THE PETITION OF MOSES BUCK, DIRECTING THE TREASURER TO ISSUE A NEW NOTE OR NOTES.

On the Petition of Moses Buck; a Soldier in Captain Hancocks Company, in Colo. Vose's Regt. praying for his

depreciation Notes which have been drawn, by one Henry Foye, on a forged Order.

Resolved, That the prayer, of said Petition be granted, and that the Treasurer, be, and he is hereby directed, to issue, to the said Moses Buck, a Note or Notes for his depreciation, amounting to the sum of two hundred & three Dollars, Sixty seven Cents in specie which will be in the same way and manner as if the same had never been drawn by a forged order.

June 19, 1799.

Chapter 39.

RESOLVE ON THE PETITION OF THACHER AVERY AND OTHERS.

Whereas it appears that a Resolve passed the General Court June 25th 1789 for the purpose of explaining the words *settler allotments of land to each settler and several other matters* contained in a Resolve which passed the General Court July 8th 1786 and also in a report of the Committee on the subject of unappropriated lands in the County of Lincoln made and accepted Novr. 17th 1786 and whereas said Explanatory Resolve instead of removing previous difficulties has had a tendency to increase them and the same appears to be incompatible with the Constitution: Therefore —

Resolved that the said Resolve which passed on the 25th day of June 1789 shall be and the same is hereby so far repealed, as that the Resolve above specified which passed the General Court July 8th 1786 shall be and remain in full force and virtue as tho the said Resolve of June 25th 1789 had never been passed.

June 19, 1799.

Chapter 40.

RESOLVE ESTABLISHING THE PAY OF THE SECRETARY AND TREASURER.

Resolved, that there be allowed & paid out of the Treasury of this Commonwealth to John Avery Esqr. Secretary of this Commonwealth One thousand & forty eight Dollars thirty three cents, which with Two hundred & eighty five Dollars, which he received in Fees before the 31st of May last, shall be in full for his Services as Secretary as aforesaid, for One year from the 1st day of June 1799, being at the rate of Thirteen hundred & thirty three Dollars thirty three cents per year — to be paid in Quarterly payments —

That from the first day of June current, there be allowed & paid out of the Public Treasury, the sum of Fifteen hundred Dollars, to the Treasurer & Receiver General of this Commonwealth for his services as Treasurer the present year—to be paid in Quarterly payments, as the same shall become due.

June 20, 1799.

Chapter 41.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF HANCOCK AND GRANTING A TAX.

Whereas the Treasurer for the County of Hancock has laid his Accounts before the General Court in manner prescribed by Law which are hereby allowed, & whereas the Clerk of the Court of General Sessions of the Peace, for said County has laid before the General Court an estimate made by the said Court of General Sessions of the Peace, of the necessary charges likely to arise in said County the present year, amounting to Five thousand Nine hundred & Ffty Dollars :

Resolved That the sum of Five thousand Nine hundred & Fifty Dollars, be & hereby is granted as a Tax for said County of Hancock to be apportioned, assessed, collected & applied for the purposes aforesaid, agreeably to Law.

June 20, 1799.

Chapter 42.

RESOLVE ON MIDDLESEX COUNTY TREASURER'S ACCOUNTS AND GRANTING A TAX.

Whereas it is represented to the General Court by the Court of General Sessions of the Peace for the County of Middlesex That the Accounts of the Treasurer of said County are examined & settled by a Committee of said Court of Sessions in manner prescribed by Law, and the Clerk of the Court of General Sessions for said County has laid before the General Court an estimate made by said Sessions of the necessary charges likely to arise in said County the present year amounting to Four thousand Dollars :

Resolved, That the sum of Four thousand Dollars be & the same is hereby granted as a Tax for said County of Middlesex to be apportioned assessed collected & applied to the purposes aforesaid agreeably to Law.

June 20, 1799.

Chapter 43.

RESOLVE ON THE PETITION OF NATHAN BENT AND OTHERS, GRANTING THEM SEVEN HUNDRED DOLLARS FOR THE PURPOSE MENTIONED.

On the petition of Nathan Bent, Caleb Alexander, and Zimri Eveleth praying for compensation for their trouble and expence in the detection & prosecution, of David Blood, Coburn Blood, & Nathan Eames, for counterfeiting and passing bank bills and specie.

Resolved that Seven hundred Dollars be allowed & paid to the said Nathan Bent, Caleb Alexander, & Zimri Eveleth, out of the sum which may be recovered and collected on the recognizance of David Blood, which was forfeited by his absconding before conviction, and that the said sum be equally divided between the said Nathan Bent, Caleb Alexander & Zimri Eveleth. *June 21, 1799.*

Chapter 44.

RESOLVE ON THE PETITION OF ZABINA CURTIS AND JESSE WILLIAMS, DIRECTING THE TREASURER IN THIS CASE

On the Petition of Zabina Curtis and Jesse Williams.

Resolved that provided the said Curtis and Williams shall within six months from and after passing this resolve pay to the Treasurer of this Commonwealth or secure to be paid in a reasonable time to his satisfaction, the sum of twelve hundred and fifty eight dollars eighty six cents it being the amount of the interest up to the fifth day of February last due from said Curtis and Williams on twelve notes of hand now holden by said Treasurer against them in favour of said Commonwealth the said Treasurer be and he hereby is authorized to give credit for said sum as being part payment of said notes by endorsing the same on some or all of said notes or otherwise as the said Curtis and Williams shall request, provided no suit shall be staid on either of said notes untill the twelve hundred & forty eight Dollars & eighty four cents be paid or secured as aforesaid. And provided the said Curtis and Williams shall furthermore pay all costs which may have arisen on any process commenced or measures already taken to recover the money due on any of said notes and hereafter on or before the fifth day of February annually shall pay the sum of eight hundred and eighty

two dollars six cents, that being the annual interest of the same expressed in said notes — the said Curtis and Williams shall not be required to pay the principal sum of any of said notes till the fifth day of February which will be in the year of our Lord one thousand eight hundred and two. And if the said Curtis and Williams shall then pay the full amount of said notes, they shall be entitled to all the benefits of these contracts made between them and the Committee for the sale of Eastern lands on the fifth day of February in the year of our Lord one thousand seven hundred and ninety five upon which contracts said notes were given — their not having complied with the terms of payment expressed in said contracts notwithstanding.

June 21, 1799.

Chapter 45.

RESOLVE ON THE PETITION OF JACOB KUHN.

On the Petition of Jacob Kuhn, Messenger of the General Court, requesting an additional allowance.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, the sum of two hundred dollars, for the present year, commencing the 30th of May last, to be in addition to the sum allowed him by a Resolve March 26, 1793, establishing the pay of the Messenger of the General Court.

June 21, 1799.

Chapter 46.

RESOLVE ON THE PETITION OF YOUNG AND MINNS, APPOINTING THEM PRINTERS FOR THE YEAR ENSUING, UPON THE TERMS OF THE LAST YEAR.

On the Petition of Messrs. Young & Minns, praying to be employed as Printers to the Commonwealth for the present year, upon the same terms that they performed the same the last year.

Resolved, that the said Young and Minns be and hereby are appointed the Printers of this Commonwealth for the space of one year, commencing on the first day of June instant; and that they furnish the paper and do and perform the same in a workmanlike manner, and on as good paper, as has been usually used for like purposes, & the Acts of the ensuing year to be on as good paper as the resolves of the general Court were printed upon the last

year — and to the acceptance of the officers respectively who shall direct the work to be done.

And be it further Resolved, that there shall be allowed and paid out of the Treasury of this Commonwealth, to the said Young & Minns, for paper and printing aforesaid at the rate following, vizt.

For eight hundred books, containing the laws that may be passed by the Legislature during the year, and for the same number of books containing the resolutions passed within the period aforesaid, and covered with blue paper as usual, one hundred and fifty dollars, if the said laws and resolves, with an index for the resolves, make forty pages of folio fools cap, if less or more than forty pages, the price aforesaid to be increased or diminished in proportion as the number of pages shall be more or less than forty; the said books with indexes as aforesaid to be ready to be delivered as soon after each session of the General Court as they can be completed. And if the whole number are not delivered to the Representatives and Senators, and to the Selectmen for the use of the several Towns in the Commonwealth, by the first day of June next, the number then remaining on hand shall be delivered at the Secretary's office.

For proclamations for thanksgiving and for fast at the rate of twenty five dollars for nine hundred.

Blanks for Regimental returns ruled full sheet, three cents each. Ditto for captains muster rolls, captains returns, infantry returns, cavalry returns, one cent and a half for each blank. — Ditto for Governor's Warrants on the Treasury, for Officers Commissions, civil and military, for Sargents warrants, for Officers resignations, for general orders, for Treasurer's executions, for treasurer's receipts, one cent for each blank — for one hundred and fifty tax Acts, fifteen dollars, and in that proportion for the whole number the Treasurer may order — for warrants to accompany the tax acts, three cents each — blanks for certifying leave of absence to the members of the General Court one cent each. For election Sermons eight cents and one half a cent each — blanks for precepts to choose federal Representatives, two cents each, provided two hundred and fifty blanks shall be ordered at one time: If a less number is ordered at one time the price to be proportionably higher; if a greater number the price for each blank to be diminished. They the said Young and Minns

to do and perform all other printing business that may be ordered by the Legislature, or any Officer of the Commonwealth, not before enumerated, in the same proportion to the prices aforesaid as the work so ordered shall be to the books and blanks before mentioned, the same to be determined by the Committee on accounts.

And it is further Resolved, that the said Young & Minns shall not be held to deliver the whole number of books containing the laws and resolves as aforesaid at the time in this Resolve mentioned, unless the Secretary shall furnish the said Young & Minns with copies of the Acts and Resolves that have or may be passed by the General Court within the year aforesaid, on or before the 15th day of April next; and shall also furnish them with a form of the index in four days after the said Young and Minns shall deliver to said Secretary a sheet or sheets containing the Resolves aforesaid.

June 21, 1799.

Chapter 47.

RESOLVE EMPOWERING THE LIEUTENANT GOVERNOR AND COUNCIL TO ESTABLISH A COMPANY OF INFANTRY IN THE TOWN OF SCARBOROUGH.

Resolved that the Lieutenant Governor by and with the advice of Council, be and he is hereby authorised and empowered to raise a Company of Infantry in the town of Scarborough, in the third Regiment, in the second Brigade & in the sixth Division of the Militia of this Commonwealth, — which Company when raised is to be annexed to the said third Regiment, & subject to such rules and regulations, as are or may be prescribed by Law, for regulating the Militia of this Commonwealth. *Provided, however*, that none of the Companies of militia already formed in the said town of Scarborough shall be reduced below the number prescribed by Law to form the said Company.

June 21, 1799.

Chapter 48.

RESOLVE GRANTING SIXTY EIGHT DOLLARS TO EDWARD P. HAYMAN.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to Edward Payne Hayman, Assistant Clerk of the Senate, the sum of sixty eight dollars, in full for his services the present session of the General Court.

June 21, 1799.

Chapter 49.

ISAAC PEIRCE'S MEMORIAL. RESOLVE ESTABLISHING HIS PAY.

On the Petition of Isaac Peirce Messenger to the Governor & Council.

Resolved That the pay of Isaac Peirce Messenger to the Governor & Council, be at the rate of One Dollar & seventy five Cents per day during the time he is in actual service, commencing on the 30th day of May 1799 and that the same be paid out of the Public Treasury of this Commonwealth. This establishment to continue untill the further order of the General Court. *June 22, 1799.*

Chapter 50.

RESOLVE ON THE PETITION OF GILES RICHARDS, AUTHORIZING THE TREASURER IN THIS CASE.

On the petition of Giles Richards, praying for an allowance of interest on a sum of money paid into the Treasury on a Contract made with Jonathan Maynard Esq. by the Committee for the sale of Eastern lands, bearing date the second day of March in the year of our Lord one thousand seven hundred & ninety five for the purchase of a Township of land numbered two in the second range of Townships West of Passamaquoddy river; and also for an extension of the times for payment of three notes given by said Maynard Park Holland & Elihu Dwight to the Treasurer of this Commonwealth & for the performance of the Conditions of said Contract, on account of said purchase.

Resolved, that the Treasurer of this Commonwealth be & he is hereby authorised and directed to allow interest on the money paid as aforesaid from the time of payment thereof up to the first day of December last, by endorsing the same on the said Notes; and that the said Maynard, Holland, & Dwight be & they hereby are placed in the same situation in every respect as to the sums of money, which are now due on their notes aforesaid, and the periods for the payment of the same, and for the performance of the Conditions of the said Contract as they would have been, in case the said Contract had been executed on the said first day of December last — *provided*, that nothing herein contained shall be so construed as to deprive the said Maynard Holland & Dwight of the right they now have or hereafter may have to recover of the said

Richards upon their obligation or contract of indemnity the amount of said Notes, in case they shall pay the same.

June 22, 1799.

Chapter 51.*

RESOLVE APPOINTING A COMMITTEE TO OBTAIN AN ACCURATE SURVEY OF LAND FORMERLY BELONGING TO SIR WILLIAM PEPPERELL.

Resolved that the Honble. David Sewall be appointed an agent for & in behalf of this Commonwealth to take or procure to be taken an accurate survey & plan of all the lands or real estate that has accrued to the Commonwealth in the District of Maine late the property of Sir William Pepperell (excepting those lands which have already been surveyed & the plans thereof been returned to the General Court) and to cause so much thereof to be laid out in lots in such manner as in the judgment of the said Agent may best promote the interest of the Commonwealth and accommodate the purchaser, the said Agent first locating ten acres of said land for the purposes of a training field & burying ground for the Town of Pepperellborough agreeably to a resolve passed the ninth day of February 1798.

And the said David Sewall is hereby authorized in his said capacity to make sale of all the said lands & real estate in such manner as in his judgment may most conduce to the interest of the Commonwealth & to make & execute good & sufficient deeds thereof to such person or persons as shall purchase the same; excepting so much of the same as he may suppose right to make a release of to John Phillips in consideration of a deed said to have been made by the said Sir Wm. Pepperell to the father of the said John Phillips & now lost or mislaid, which said release the said Agent is hereby empowered to make & execute.

And the said agent is hereby authorized to take & receive all rents or monies due to the Commonwealth from any person or persons relative to the said lands or any part thereof & to settle & adjust all claims contravening the right of Sir William Pepperell to the premises con-

* This chapter was printed incorrectly in earlier editions. The text above given is the resolve as taken into a new draft which passed both houses in concurrence.

cerning his grants of any part thereof or founded in or arising from the possession or occupancy of any part of the same by any person or persons — & to render an account of his proceedings herein, to the General Court as soon as may be.

June 22, 1799.

Chapter 52.

RESOLVE GRANTING THE LIEUTENANT GOVERNOR PAY AS CHIEF MAGISTRATE.

The Committee of both Houses appointed to consider the expediency of granting to His Honor the Lieut. Governor the same salary or compensation for his services whilst he shall continue to do the duty of chief Magistrate within this Commonwealth that the late Governor received — Ask leave to report the following resolve.

JOSIAH STEARNS *Per. order.*

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to his Honor Moses Gill esqr. Lieut. Governor during his performing the duties of Chief Magistrate within the said Commonwealth at the rate of two thousand six hundred and sixty six dollars and sixty six Cents for one year — and that the same be paid in quarterly payments.

June 22, 1799.

Chapter 53.

RESOLVE ON THE MEMORIAL OF SAMUEL HASTINGS, DIRECTING THE QUARTER MASTER GENERAL TO REPAIR THE GUN HOUSE IN LEXINGTON.

On the Memorial of Samuel Hastings Commanding officer of the Artillery of the 1st Brigade & 3d Division of the Militia of this Commonwealth, Setting forth that the Gun-House in Lexington the property of the Commonwealth, is in so decayed a Situation that the publick property is not safe in it.

Resolved, that the Quarter master Genl. be, & he hereby is directed, to repair the Same at the Publick expence, as soon as may be, & in such Manner as he shall Judge most for the Interest of this Commonwealth — *provided*, the said Quartermaster first obtain a good & Sufficient deed to the Commonwealth — of the land on which the said house Stands so long as it shall be occupied for that purpose.

June 22, 1799.

Chapter 54.

ROLL NO. 41.

The Committee on Accounts having examined the Accounts they now present,

Report, that there are due to the Towns and persons hereafter mentioned, the Sums Set to their Names respectively, which, (if allowed and paid) will be in full discharge of said accounts to the dates therein mentioned.

ISAAC THOMSON, *pr. order.**State Pauper Accounts.*

	Dolls. Cts.
To the Town of Ashfield for Supporting Seviah Cross & Son to March 1799 & removing them out of this State	29 30
To the Town of Almesbury for supporting Jona. Cidwell to May 18th 1799	57 20
To Samuel Bridge keeper of the House of correction County of Worcester for taking care of Thomas Richardson a Lunatic, to Feby. 2d 1799	39 39
To the Town of Brookfield for supporting & Cloathing Luke Finney to May 20th 1799, and Sarah Thompson to her death including Doctoring & funeral Expences	49 23
To the Town of Boxborough for supporting & Cloathing John Kenneday to June 1st 1799	25 25
To the Town of Belchertown for supporting, & Cloathing Betty Demmon (Indian) to January 3d 1799	26 0
To the Town of Barre for supporting & Cloathing John Christian Dandrick to May 21st 1799	24 91
To the Town of Boxford for supporting Mehitabel Hall to Jany. 6th 1799	26 40
To the Town of Brookline for boarding, Nursing & Doctoring Levi Nudd to May 25th 1798	62 12
To the Town of Boston for supporting Sundry paupers from Novr. 30th 1798 to June 1st 1799, including Cloathing	2864 5
To Constant Freeman Master of the Alms House in Boston to June 1st 1799	211 8
To John Fleet for Doctoring States poor in Boston to May 15th 1799	400 0
To the Town of Brimfield for Dotrs. Babbit's Young's & Guthries bills for Doctoring Edward & Thomas Hartley to May 30th 1799	42 81
To Josiah Bartlet for Doctoring sundry State paupers to Decr. 31st 1798	29 17
To the Town of Charlemont for Supporting & Cloathing Abraham Bass to May 22d 1799	24 51
To the Town of Cheshire for supporting Ephraim Richardson, and for supphys for the widow Rachel Grayham her family including doctrs. bills to May 23d 1799	131 60

	Dolls. Cts.
To the Town of Carlisle for supporting & Cloathing Robert Barber & Jemmison to June 8th 1799	46 80
To the Town of Colrain for supporting & Cloathing William Wilson to May 22d 1799, including Doctr. Long's bill for Doctoring Henny Rogers' family	41 73
To the Town of Concord for supporting William Shaw to May 24th 1799 and for supply's for, and Doctoring & Nurssing Silas Gill	42 60
To Cape Elizabeth for supporting & Cloathing Betty Carroll, & supplying Ramsbottom, with Cloathing to May 25th 1799	122 23
To the Town of Cambridge for supporting, Nursing & Doctoring Peggey Condon to June 17th 1799 and a Negro, to his Death including funeral expences	94 50
To the Town of Danvers, for supporting John Wooden & Jerusha Bird to June 10th 1799	48 40
To the District of Dover for supporting, Cloathing & Nursing Patrick Cowill to June 10th 1799	28 0
To the Town of Edgarton for boarding, Nursing, and Doctoring Martin Remley to April 10th 1799, and Tom a Spaniard, to his death including funeral expences	59 68
To the Town of Franklin for supporting & Cloathing Alexander Reed to May 26th 1799	67 84
To the Town of Foxborough for supporting, Cloathing Doctoring & Nursing Anna Pettee to Jany. 27th 1799	92 83
To the Town of Framingham for Supporting, Cloathing, Nursing, & Doctoring Bennett Foster's Son, & Betsy Stevens & her child to June 17th 1799	92 40
To the Town of Granby for Supporting, Cloathing & Doctoring Ebenezar Darvin and John Murry to June 3d 1799	60 48
To the Town of Greenfield for supporting, Cloathing & Doctoring John Battis & Eunice Converee to June 1st 1799	51 35
To the Town of Gloucester [<i>for</i>] Supporting, Cloathing, & Nursing Sundry paupers from Novr. 10th 1798 to May 10th 1799, including funeral expences for two and removing three out of the State	955 28
To the Town of Great-Barrington for supporting & Cloathing Isaac Hoose to April 14th & Catharine Hoose to Feby. 14th & Mary Hoose to April 20th 1799 inclusive	147 71
To Josiah Gilman for Doctoring State paupers in the Town of York to May 25th 1799	18 0
To Joseph Hodgkins keeper of the House of correction in Ipswich, in the County of Essex for Supporting & Cloathing sundry paupers to June 7th 1799, including the allowance made by the Court of Sessions	369 86
To the Town of Holliston for Supporting & Cloathing James Lewis to June 8th 1799	21 60
To Nathaniel Heard keeper of the House of correction County of Worcester for taking care of Thomas Robinson (a lunatic) to May 15th 1799	10 0
To the Town of Hopkinton for Supporting & Cloathing William Mabery to Novr. 19th 1798	34 29

	Dolls. Cts.
To the Town of Ipswich for supporting & Cloathing Gullehull & William Broadbent to June 20th 1799 — & James Bowering to June 7th 1799 — and Anthoney Crane's wife & Child to Decr. 28th 1798	134 41
To the Town of Kingston for supporting & Cloathing Thomas Kitteredge to April 18th 1799	35 25
To the Town of Lenox for supporting, Cloathing & Doctoring Christian Crow, John How, Abraham Palmer, Belinda his wife, and Augustus, Maria & Albert their Children to June 11th 1799, & Nell Feely to her death including funeral expences	126 34
To the Town of Lyden for Supply's for Jedediah Fullar & family, (including so much of Doctr. Kings bill as was not out lawed, to May 21th 1799	7 75
To the Town of Lynn for Doctr. Harts Doctoring John Andross to his death	26 50
To the Town of Middleborough for supporting and Doctoring Edward Brown to June 11th 1799	18 84
To the Town of Marblehead for Supporting, Cloathing & Doctoring John Cavender to his Death including funeral charges	75 0
To the Town of Northampton for supporting Cloathing & Doctoring Samuel Green to June 5th, Nancy McMullen to June 4th 1799 — and John Ellis to June 5th 1799	78 14
To the Town of New Marlborough for Benjamin Smiths Doctoring Huldah Esquires to August 13th 1797	13 3
To the Town of Newbury for supporting, Cloathing and Doctoring Sundry paupers from Jany. 1st 1799 to June 1st 1799	377 10
To the Town of Plympton for Supply's for Simon Brown and Hannah Mitchell including Cloathing & Doctoring to March 1st 1799	68 73
To the Town of Partridgfield for Supporting Mary Lace to June 5th 1799	172 00
To the Town of Plymouth for boarding Cloathing & Nursing Nathaniel Thomas to June 3d 1799 — and Janus (a Negro) to his death including funeral expences	60 29
To Levi Rice keeper of the House of correction — County of Worcester for taking care of Thomas Robinson to April 8th 1799	18 57
To the Town of Quincy for boarding, Cloathing, Nursing Doctoring & burying John Marlen Rennigen	35 0
To the Town of Swanzey for Supporting & Cloathing four Illegitimate Children (born of Sally Robins) and Finner Peirce (a Negro) to May 24th 1799	63 82
To the Town of Sturbridge for supplies for Thomas Adams to June 3d 1799	27 11
To the Town of Shirley for Supporting & Doctoring Robert Richardson & his family to March 1st 1799 including funeral expences for one Child	18 83
To the Town of Salem for Supporting Sundry paupers from Jany. 1st 1799 to June 3d 1799	547 50
To the Town of Shelburn for Supporting Laura Bates including Cloathing to May 20th 1799	68 62

	Dolla. Cts.
To the Town of Springfield for Supporting, Cloathing, Doctoring & Nursing John Barry & John Woolfort to June 7th 1799	58 64
To the Town of Stoneham for Supplies found William Barton to June 14th 1799	6 94
To to Town of Tewkesbury for Supporting & Nursing John How to June 10th 1799 — Doctrs. bill excepted .	25 50
To the Town of Uxbridge for supporting Bettie Trifle and David Mitchell to May 29th 1799	45 0
To the Town of Williamston for boarding & Cloathing Rachael Galusha to May 15th 1799	52 0
To the Town of Wilbraham for Supporting and Cloathing John Brown to May 5th 1799	63 57
To the Town of Windsor for Supporting and Cloathing Benjamin Still & his wife to May 20th 1799	33 68
To the Town of Warren for supporting Wm. Mariman to May 15th 1799	52 0
To the Town of Westfield for supporting & Cloathing James Duvell to June 1st 1799	31 38
To the Town of Western for Supporting, Cloathing & Nursing William Johnson & Nancy Johnson his wife to May 20th, & John Cain to June 11th & John Weakley to June 7th 1799	75 78
for Doctoring (viz) { To Doctr. Putnam 27 0 } 115 61	
{ & to Doctr. Thomas 12 83 }	
To the Town of Westspringfield for supporting, Cloathing, Doctoring & Nursing Lucy Kent, and Child, William Bell & Hagar (a Negro woman) to June 3d 1799	71 68
To the Town of Weymouth for supporting & Nursing Thomas Wallice to June 13th 1799	34 50
To Joseph H. White for Doctoring State paupers in the Town of Gloucester, to May 10th 1799	97 37
To the Town of York for supporting, Cloathing & Nursing William Kearswell and his wife, Mary Crooker, Elizabeth Perkins & Abigail Chapple to May 26, 1799	156 42
Total,	9265 74

Militia Accounts.

	Dolls. Cts.
To Nathaniel C. Allen Brigade Majr. for services to May 17th 1799	73 47
To the Heirs of Samuel Bradley late of Boston for Horse hire transporting pieces of Artillery &C. prior to June 1798	28 0
To Aaron Brooks Adj. for services to September 24th 1798	9 50
To Isaac Clewley Adj. for services to 1793, 4 & 5*to May 20th	52 37
To Jeremiah Clapp Brigade Majr. for services to June 18th 1799	104 7
To Joel Deming Adj. for services to June 1799	10 47
To Stephen Dewey Brigade Majr. for services to December 27th 1798	61 78
To Ephraim Emory Brigade Majr. for services to June 1st 1799	31 45

	Dolls.	Cts.
To Barzillai Gannett Aid de Camp to G. Dearborn for services to May 23d 1799	16	23
To Jedediah Heley for Horse hire in conveying field pieces from Worcester to Leicester in Sept. 1798	4	16
To William Jackson Brigade Majr. for services to May 29th 1799	39	52
To Cyrus Keith Adj. for services to June 10th 1799	10	33
To Nathaniel Libbey Adj. for services to May 10th 1799	24	0
To Moses Merrill Adj. for services to April 23d 1799	16	61
To Daniel Nash Adj. for services to May 22d 1799	6	82
To Sylvester Osborn Brigade Majr. for services to Jany. 1st 1799	77	90
To Samuel Rush Adj. for services to May 4th 1799,	9	74
To Merrick Rice Brigade Majr. for services to May 28th 1799	78	45
To Nathan Snow Adj. for services to March 30th 1799	16	68
To Timothy Spaldwin Adj. for services to Decr. 26th 1798	34	75
To Samuel Smith Adj. for services to June 1798	44	94
To Phillip Walker Adj. for services to Feby. 1st 1798	7	30

Expences of Courts Martial & Courts of Inquiry.

	Dolls.	Cts.
To Court Martial whereof General Pipoon was President August 28th & 29th 1798	48	75
To Court Martial whereof Colo. Hodgkins was President Feby. 13th 1799	43	25
To Court of Inquiry whereof Charles Turner L.C.C. was President February 7th 1799	17	83
	868	37

Miscellaneous.

	Dolls.	Cts.
To Joshua Holt for boarding, Cloathing Schooling Levi Konkapot to June 29th 1799	27	35
To Jonathan Hastings for Postage of letters to May 31st 1799	47	77
To Peleg Coffin Esqr. Treasurer, for Postage on Letters and expences of Office to June 20th 1799	18	06½
To Elias Richardson for taking care of the Public Stores at Cambridge to June 1st 1799	40	0
To Henry W. Dwight for a Record Book, and a Seal for the Supreme Court County of Berkshire	12	0
To John Merrit for pollishing the Trophies of General Starks to be placed in the New State House	5	50
To Sylvanus Lapham for his Services assisting the Messenger of the General Court twenty four days including to June 22 1799	36	0
To the Committee for Conducting the funeral of the late Governor Sumner as pr. bills	343	29
To Jacob Kuhn a ballance due him for money expended over and above the Amount of two grants made him June 28, 1798 & Jany. 11th 1799	1	77
	531	74½

Sheriffs' Accounts.

	Dolls. Cts.
To Benjamin C. Cutlar for returning Votes for Federal Representatives, Governor &C. to June 18th 1799	2 80
To Edmund Bridge for Returning Votes for Governor &C. to May 1799	14 56
To Simon Larned for Returning Votes for Governor &C. to June 1799	11 20
To Zepheniah Leonard for Returning Votes dispersing precepts for the Choice of Federal Representatives &C. to May 17th 1799	37 52
To John Gardner for Returning Votes for Federal Representative, Governor &C. to May 8th 1799	89 10
To Ichabod Goodwin for Returning Votes for Federal Representative, Governor &C. to Feby. 16th 1799	20 97
To John Waite for Returning Votes for Governor &C. to April 1799	10 40
To Richard Hunnewell for Returning Votes for Governor &C. to May 1799	24 0
To George Patridge for Returning Votes for Federal Representative, Governor &C. to May 22d 1799	17 17
	<hr/>
	227 72

Expences of Convicts.

	Dolls. Cts.
To Oliver Hartshorn for boarding & Cloathing Con- [v]icts in Boston Goal to June 11th 1799	160 58
To Joseph Hunt for Doctoring Convicts in Concord Goal to March 24th 1799	7 0
To John Richardson for boarding & Cloathing Convicts in Concord Goal to June 11th 1799	201 30
To Joseph Turrell for Supporting Convicts in Essex Goal including from Septr. 24th to Novr. 24th and expences of removing them from Salem to Ipswich Goal, Necessaries & Attendance for one while Sick	118 77
To Jeremiah Staniford for Supporting & Nursing Convicts in Essex Goal from Novr. 24th 1798 to June 1st 1799	167 40
To Oliver Fisk for Cloathing & Doctoring Convicts in Worcester Goal to April 9th 1799	16 8
To Thomas Manning for Doctoring Con[v]icts in Ipswich Goal County of Essix to June 19th 1799	29 0
	<hr/>
	700 13

Printers Accounts.

	Dolls. Cts.
To Peter Edes for Publishing Acts & Resolves to March 2d 1799	16 67
To Isaiah Thomas for Publishing Acts & Resolves to Feby. 21st 1799	33 34
To John Spooner for Publishing Acts & Resolves to June 1st 1799	16 67
To Messrs Young & Minns for Printing for Government to June 20th 1799	1050 82
To H. Mann for Printing Acts & Resolves to Decr. 7th 1798	16 67
	<hr/>
	1134 17

Aggregate of Roll, No. 41.

		Dolls.	Cts.
Expende of State Paupers,	. . . . .	9265	74
do. Militia,	. . . . .	868	37
do. Sheriffs,	. . . . .	227	72
do. Convicts,	. . . . .	700	13
do. Printers,	. . . . .	1134	17
do. Miscellaneous,	. . . . .	531	74 5
		12727	87 5

Read and accepted, and thereupon,

Resolved, that there be allowed and paid out of the public Treasury, to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons respectively, amounting in the whole to the sum of twelve thousand, seven hundred and twenty seven dollars, eighty seven cents and five mills, the same being in full discharge of the accounts and demands, to which they refer.

June 22, 1799.

Chapter 55.

RESOLVE GRANTING PAY TO THE COMMITTEE ON ACCOUNTS.

Resolved, That there be paid out of the Public Treasury of this Commonwealth to the Committee appointed to examine & pass on accounts, for their attendance on that service the present Session, the sums annexed to their names, in addition to their pay as Members of the Legislature — Honble. Isaac Thompson Esqr. eighteen Days attendance Nine Dollars, Honble. Josiah Stearns Esqr. Eighteen Days, Nine Dollars, to Silas Holman & James Taylor Esqrs. Eighteen Days attendance each, Nine Dollars each & to Samuel P. Russell Esqr. for seventeen Days attendance, Eight Dollars, fifty Cents which sums shall be in full for their services aforesaid.

June 22, 1799.

Chapter 56.

RESOLVE GRANTING PAY TO THE CLERKS OF BOTH HOUSES.

Resolved, That there be allowed & paid out of the Public Treasury to Mr. Edward McLane Clerk of the Senate One hundred & thirty three Dollars & to Henry Warren Esqr. Clerk of the House of Representatives One hundred & thirty three Dollars, on account of their services as Clerks aforesaid, for the present year, they to be accountable for the same respectively.

June 22, 1799.

Chapter 57.

RESOLVE RESPECTING THE SALE OF THE LAND ON PENOBSCOT RIVER.

Whereas it is necessary to make further provision respecting the Sale of Lands on each side of penobscot River, obtained of the penobscot Indians in August 1796 and to prevent Trespasses from being committed thereon :

Resolved, that from and after the passing of this Resolve, the lands aforesaid, now laid out into nine Townships, shall not be sold in less quantyties, than one quarter of a Township, except to the thirty two settlers, who settled thereon before August one thousand seven hundred and ninety six as mentioned in the Resolve of second of March one thousand seven hundred & ninety eight — and the Agent for the Sale thereof, is hereby directed to govern himself accordingly, provided said Settlers, shall apply and purchase the lands on which they are settled, not exceeding one hundred Acres each on or before the first day of June next — after which time, said settlers who have not then obtained a Title to their lands of said Agent, shall be considered as Trespassers —

Resolved that Francis Lebaron Goodwin Esqr. be and hereby is appointed an agent for and in behalf of the Common wealth to superintend the preservation of all Masts, Timber, and all other Trees growing and being upon said Nine Townships, and to enquire into, and represent to the Attorney General of the Commonwealth all trespasses committed upon said Townships, either by cutting or taking away any Trees from said Lands, or by taking up and settling upon the same, without having first purchased and obtained titles to the lands from the Agent appointed to sell the same as aforesaid — and said Attorney General, is hereby required & directed to prosecute all such Trespassers himself, or to direct the Attorney for the County of Hancock, to prosecute upon all complaints of the said Agent, as he shall think will be most for the Interest of the Common wealth.

Resolved, that the Lieutenant Governor, by and with advice of the Council, be and hereby is authorized to draw upon the Treasury of the Common wealth, for such sums of Money as they shall think necessary, not exceeding three hundred Dollars, to be paid to the Agent appointed to superintend the Lands, aforesaid — or to the Attorney General, to enable them to carry the foregoing Resolves

into full effect — they to account for the expenditures of the same — and lay their Accounts before the General Court for allowance and acceptance.

And be it further Resolved that the honorable Salem Towne Esqr. agent for selling the lands aforesaid — be and he is hereby directed to make this Resolve publicly known in the upper part of the County of Hancock, by sending printed copies thereof into that part of the County, as soon as may be, that all concerned may have notice thereof.

And be it further resolved that the Agent for the sale of the lands aforesaid be and he hereby is empower'd and authorized to sell one fourth part of such four of the aforesaid nine Townships on such Terms as he may judge will be most conducive to the Interest of the Commonwealth any order or resolve, heretofore made, to the contrary notwithstanding.

And whereas divers Trespasses have been & may hereafter be committed on the lands aforesaid — to prevent which, be it *resolved*, That any person or persons, who shall give Information to the agent appointd to take Care of the lands aforesaid, of any trespass committed on the sd. lands and furnish evidence of the same, and there upon any Action shall be commenced for the recovery of Damages for such Trespass, the one half of all the sums so recoverd shall be for the sole use & Benefit of the person or persons who shall give such information, and furnish Evidence as aforesaid.

June 22, 1799.

Chapter 58.

RESOLVE GRANTING TO ISAAC PEIRCE, ONE HUNDRED DOLLARS, TO PURCHASE FUEL.

Resolved, That there be allowed and paid out of the Public Treasury of this Commonwealth, to Isaac Peirce, Messenger to the Governor & Council, the sum of One hundred Dollars, to enable him to purchase Fuel and other necessaries for the Council Chamber and Secretary's Office — he to be accountable for the expenditure of the same.

June 22, 1799.

Chapter 59.

GRANT TO THOMAS WALLCUT.

Resolved that there be allowed & paid out of the Public Treasury the sum of fifty dollars to Thomas Wallcut in full for his services as assistant Clerk of the House of Representatives the present Session.

June 22, 1799.

Chapter 60.

RESOLVE DISCHARGING AGENTS FOR BUILDING THE NEW STATE HOUSE FROM SUMS RECEIVED, AND MAKING FURTHER GRANT TO.

Whereas the Agents for building the State House have exhibited their accounts of expenditures & disbursements in their Agency since the first March 1798 amounting to twenty eight thousand Dollars, which accounts with the vouchers accompanying, having been examined & found to be correct: therefore

Resolved that the said accounts be & hereby are accepted & allowed & the said Agents discharged from that sum recieved of the Treasurer on a warrant granted pursuant to a Resolve passed the 2d day of March 1798.

And be it further resolved that there be & hereby is granted the further sum of fifteen thousand three hundred & thirty three dollars & thirty four cents to be paid out of the public Treasury to Thomas Dawes & Edward H. Robbins Esqrs. two of said Agents to enable them to compleat the business of their agency, they to be accountable for the expenditure of the same on settlement of their accounts or when called upon by the general Court — One thousand Dollars of which the said Dawes & Robbins are hereby authorized to pay to Charles Bullfinch Esq. on acct. of his services in said business deducting therefrom any sums he may have recieved & two thousand Dollars thereof the said Dawes and Robbins are authorized to recieve to their own use on the same account.

June 22, 1799.

Chapter 61.

RESOLVE GRANTING THREE HUNDRED DOLLARS TO JACOB KUHN.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to Jacob Kuhn, Messenger of the General Court, the sum of three hundred Dollars, to enable him to purchase fuel, &c. for the use of said Court he to be accountable for the expenditure of the same.

June 22, 1799.

RESOLVES ETC.

OF THE

GENERAL COURT OF MASSACHUSETTS.

PASSED AT THE SESSION BEGUN AND HELD AT *BOSTON*,
ON WEDNESDAY, THE EIGHTH DAY OF *JANUARY*, ANNO
DOMINI, 1800.

1799. — JANUARY SESSION.

ANSWER OF THE SENATE TO THE LIEUTENANT-GOVERNOR'S
SPEECH AT THE OPENING OF THE SESSION.

May it please your Honour,

The Senate of Massachusetts receive with satisfaction your Honour's congratulations on the pleasing situation of the internal concerns of the Commonwealth. — In attending to such publick matters as you may deem proper to lay before us, as well as the various other subjects in which we may engage, we shall endeavour to discharge our trust with fidelity and zeal — And we doubt not of your co-operation in every measure which shall tend to secure the just rights of the people promote the honour of Government or advance the interests of posterity.

We are fully sensible that the prosperity of our nation essentially depends, under Heaven on the Federal Government. We shall therefore at all times as well from inclination as a sense of duty afford that government our firmest support. Under the wise and prudent administration of the President together with the enlightened and patriotick measures of Congress, we will humbly hope that Divine Providence will continue to us the enjoyment of the blessings with which we are distinguished.

We shall feel it incumbent on us particularly to attend to a revision of the laws and the several other subjects which your Honour has recommended to our consideration.

A regard to the welfare of the community as well as the injunctions of the Constitution will at all times render it our duty to cherish the interests of literature at large and particularly to foster the University at Cambridge. Nearly connected with this duty is that of securing, as far as can be done by the Legislature a due observation of the Sabbath and a proper attention to the important concerns of religion in general. The importance of Agriculture and Commerce to the interests of our constituents, and the necessity of a well regulated militia for their security are too apparent to suffer us for a moment to lose sight of those objects.

Scarcely had we reconciled ourselves to part with the weeds which, as an emblem of the grief of our Hearts, we had assumed from respect to the memory of our late excellent Governour when our sorrows were again called forth by the death of General George Washington. Most sincerely do we deplore with you this common calamity of our Country and of the human race. His very name afforded security to our peace and prosperity, and his eminent qualities made him an example to the great ones of the earth. While it becomes our nation humbly to submit to this afflictive dispensation of Providence — no means can so effectually repair their misfortune as a general imitation of his virtues and a practical observance of the invaluable counsels which he has left them.

January 10, 1800.

ANSWER OF THE HOUSE OF REPRESENTATIVES TO THE LIEUTENANT-GOVERNOR'S SPEECH AT THE OPENING OF THE SESSION.

May it please your Honor,

The House of Representatives beg leave to reciprocate your congratulations, on the convention of the several branches of the Legislature, & they participate in the satisfaction expressed by your Honor, at the internal peace of the Commonwealth, & the prosperity and happiness of its citizens. The flourishing state of the Treasury and the respectable, improved, & improving situation of the Militia, afford us the most sincere pleasure, not only as they are unequivocal proofs of the wise policy of the government, but as they render us more secure from foreign invasion, or domestic violence. Nor do we less cordially join your honor in that truly correct axiom, that

unless our National Government is maintained with energy & dignity, the happiness of the People cannot be rendered Secure. — Instead of viewing it therefore with coldness & unreasonable jealousy, the People of the United States, should ever, as we flatter ourselves they now do, Cherish it with the ardour & warmth of patriotic attachment.

The University at Cambridge, & the religious establishments of our Country, are too intimately interwoven with the essential, & most important interests of Society, to be overlooked or suffered to decline. — If the honor, the knowledge, the morals, the liberties, the felicity, temporal and eternal, of the People of this Commonwealth are objects worthy of regard, we hope that its Legislators, will never cease to support the venerable fabric of Religion, and to foster the growing Seminaries of Literature.

Agriculture, Commerce, and Manufactures, the three great sinews of National Strength, & sources of opulence, merit, & will receive, the patronage of every enlightened Legislature.

Scarce had the tear which had bedewed the cheek of Patriotism upon the death of our much honored Chief Magistrate been dried away — His passing knell was but just expiring in our ears, when our feelings were again agonized with the afflictive intelligence of the loss of our Country's Father, Protector, and its first, best, human friend. The eloquence of unaffected grief is Silence — and were we to indulge the feelings of our hearts, we should mourn in forcible but dumb expression. — But to the prejudices & usages of mankind we owe some respect, & therefore in language, as brief as it is incompetent, we will speak his Eulogy. — To call Washington a Hero, would be a debasement of him, for heroism has been hitherto, too often allied with Crime. To call him merely a great Soldier would be injustice, for *he* fought not to destroy, but to preserve. To denominate him simply a great Statesman would be inadequate, for his politics were not like those of most Statesmen, subservient to his ambition. — In war, he united the coolness of Fabius, with the spirit of Cesar, and the humility of Cincinnatus. — In peace he blended the virtues of Trajan, with the wisdom of Solon, and the sublime prophetic ken of Chatham. — Uniform & consistent in his political conduct, with equal severity he frowned on the intrigues of domestic faction, and the insidious wiles of foreign artifice. Equally ready

to draw his sword in his ripened manhood, to establish the Independence of his Country, and in his declining years to snatch it, from its sleeping scabbard, to avenge its insulted honor & violated rights. The watchful father, and the illustrious founder of a great Empire, he did not strive to invest himself with the insignia of nobility, the ordinary ambition of vulgar greatness — but by his Talents and Virtues, he has enobled his Country — The mortal part of Washington is consigned to the silent Cemetery, but he hath bequeathed to his beloved fellow citizens a glorious Legacy, in his example, his character and his virtues, which ought to render them pure & virtuous in their morals — Devout in their Religion — Fervent in their Patriotism — Just in the Cabinet, & Invincible in the Field. — Four Millions of Freemen with melancholly hearts are living Statues to thy Memory, thou Sainted Patriot! Unfading laurels, fair as thy virtue, and imperishable as thy fame, shall bloom around thy monument, and protect from unhallowed touch, thy consecrated Urn!

Any communications which your Honor may be pleased to make during the present Session, will be respectfully received, & diligently attended to, and in the faithful discharge of our trust, we doubt not we shall meet with your zealous co-operation.

January 11, 1800.

Chapter 62.

RESOLVE FOR COMMEMORATING THE SUBLIME VIRTUES OF
GENERAL GEORGE WASHINGTON.

Resolved. 1st. That an Oration on the sublime virtues of General George Washington be delivered before the Lieutt. Governor, the Council and the two branches of the General Court, in the Old South meeting house in Boston (with consent of the proprietors thereof) by such person and at such time as His Honor the Lieutt. Governor, the President of the Senate & the Speaker of the House of Representatives, shall appoint for that purpose; and that the Chaplain of the General Court be requested to introduce the exercises with prayer to the Throne of Grace.

2d. That the Lieutt. Governor, the Council and the two branches of the General Court, will, in compliance with the Recommendation of Congress in their Resolve of the 30th of December last, “testify our Grief for the death of General George Washington” by uniting in public

solemn worship of the Deity, in the Church in Brattle Street in Boston, (with consent of it's Proprietors) on Saturday the twenty second day of February next, at eleven of the clock in the forenoon; (if the General Court shall then be in Session) and will then bow in humble adoration & prayer before the Supreme disposer of all events, and attend upon a discourse to be adapted to the occasion; that we will suspend our usual business for this purpose; — and that the Chaplain of the General Court be requested to deliver that discourse and to lead in the other religious exercises of the day. And we have confidence, that our Fellow Citizens of all denominations throug[h]out the Comonwealth, will then unite in like Services — so that the whole people with one heart & one voice may at the same time duely express their Sensations on this mournful occasion.

January 14, 1800.

Chapter 63.

RESOLVE GRANTING JACOB KUHN TWO HUNDRED DOLLARS.

Resolved that there be allowed & paid out of the Treasury of this Commonwealth to Jacob Kuhn Messenger of the General Court the sum of Two hundred Dollars to enable him to pay for fuel &c. for the use of said Court, he to be accountable for the expenditure of the same.

January 14, 1800.

Chapter 64.

RESOLVE ON THE PETITION OF CHARLES POWERS, AUTHORIZING THE PARISH IN SHAPLEIGH TO CONVEY THE LAND MENTIONED.

On the Petition of Charles Powers, agent for and in behalf of the First Parish in the Town of Shapleigh, in the County of York, praying that said Parish may be authorised to sell to the Revd. Joseph Brown, the present minister thereof, twenty acres of the Parsonage belonging thereto.

Resolved, for reasons set forth in said Petition that the prayer thereof be granted, and that the said Parish be and hereby are authorised and impowered to sell and convey to the said Joseph B[r]own, twenty acres of land situate in the southwest corner of the parsonage lot in said Parish, said lot being numbered five, in the seventh

range in the first division of lots in said Town; and to make and execute a good and sufficient deed of conveyance of said twenty acres to said Brown accordingly.

January 16, 1800.

Chapter 65.

RESOLVE ON THE PETITION OF NATHAN PATCH, OF WORCESTER, DIRECTING THE SHERIFF TO RETURN SATISFIED THE EXECUTION AGAINST THE SAID PATCH.

On the petition of Nathan Patch of Worcester in the County of Worcester praying that certain executions which have issued against him on judgments rendered in behalf of the Commonwealth upon two certain recognizances of One hundred Dollars each, entered into by the said Patch, conditioned for the personal appearance of Ezra Collar & Barnabas Sibley, at a Court of General Sessions of the Peace to be holden at Worcester within & for the County of Worcester in December 1798.

Resolved for the reasons set forth in said petition; that the prayer thereof be so far granted, that the Sheriff of the County of Worcester, be & he is hereby directed to return fully satisfied the execution which has issued against the said Nathan Patch, for the appearance of the said Ezra Collar on condition that the said Nathan pay all the costs which have arisen on the prosecution of the said Nathan on said recognizance, and that the said Sherrif be also directed to return fully satisfied the execution which may have issued against the said Ezra Collar on his recognizance for his appearance as aforesaid, on condition that he pay all the costs which have arisen in the prosecution of the said Ezra Collar on his recognizance.

January 17, 1800.

Chapter 66.

RESOLVE FOR ERECTING A MONUMENT TO THE MEMORY OF GENERAL GEORGE WASHINGTON, AND DIRECTING THE SECRETARY TO HAVE THE PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES, &C. DISTRIBUTED THROUGH THE COMMONWEALTH.

Resolved, 1st. That a Statue or monument of marble be erected on the center of the lower hall in the New State House, in memory of General George Washington,

with inscriptions and devices adapted to impress a due sense of his sublime virtues, to extend and perpetuate their influence ; and to express the public gratitude for his eminent services.

2d. That the Secretary be and he is hereby directed, to cause copies of the proclamation of the President of the United States, bearing date the sixth day of January current, and of the Resolve of this Court passed on the fourteenth day of the present month, on the subject of that proclamation, to be forthwith printed and transmitted, through the hands of the Sheriffs, to the several ministers of the Gospel of every denomination, in this Commonwealth, and to the Deacons or Elders of those Churches which are destitute of such a minister.

January 18, 1800.

Chapter 67.

RESOLVE GRANTING TO THOMAS PARK, TWO HUNDRED AND NINETY FIVE DOLLARS AND NINETY TWO CENTS, IN FULL COMPENSATION FOR HIS SERVICES IN ERECTING A STONE MONUMENT IN THE TOWN OF LEXINGTON.

On the Petition of Thomas Park, stating that having erected a stone monument on the Common in the Town of Lexington, to perpetuate the memorable battle fought there on the nineteenth day of April, A. D. 1775, for which he has received from the Selectmen of said Town the sum of four hundred dollars, being so much granted by the General Court for this object, and the amount he agreed with the Selectmen to complete the same for ; but that the actual expence thereof amounted to nearly seven hundred dollars.

Resolved, that for reasons set forth in said petition, there be allowed and paid to the said Thomas Park from the Treasury of this Commonwealth, the additional sum of two hundred ninety five Dollars & ninety two Cents, as a full compensation for his services in erecting a stone monument in the Town of Lexington, and in consideration of his having well and faithfully executed the same.

January 22, 1800.

Chapter 68.*

RESOLVE FOR APPOINTING A COMMITTEE TO PROCURE A PIECE OF LAND IN CHARLESTOWN TO ERECT A STATE PRISON UPON.

Resolved, That a Committee be appointed to select and procure a piece of Land in Charlestown, and to erect a State Prison thereon; *Provided* that the expence shall not exceed Thirty thousand Dollars, and provided the said Committee can contract with any persons sufficiently responsible, for the execution of said Buildings within the limits aforesaid.

January 22, 1800.

Chapter 69.

RESOLVE GRANTING ONE HUNDRED DOLLARS TO MR. ISAAC PEIRCE.

Resolved that there be allowed and paid out of the public Treasury of the Commonwealth, to Isaac Peirce, Messenger to the Governor and Council, the sum of One hundred Dollars, to enable him to purchase fuel and other necessary articles, for the Council Chamber and Secretary's Office, — He to be accountable for the expenditure of the same.

January 22, 1800.

Chapter 70.

RESOLVE ON THE PETITION OF SAMUEL HUNTING, DIRECTING THE ASSESSORS OF THE TOWN OF MARLBOROUGH, TO DELIVER NEW WARRANTS FOR THE COLLECTION OF TAXES.

On the Petition of Samuel Hunting a Collector of Taxes for the Town of Marlborough for 1798 stating that Lists of a State, Town, County & Ministers Tax, were committed to him with Warrants, for collecting & paying in the same & that said Warrants have been destroyed by fire.

Resolved, That the Assessors of the said Town of Marlborough for the time being be, & they hereby are authorised & directed to make out & deliver to the [the] said Samuel Hunting new Warrants for the collection of said Taxes, which shall have the same force & effect as the aforesaid Warrants would now have, if the same had not been destroyed.

January 22, 1800.

* Taken from court record.

Chapter 71.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF WASHINGTON AND GRANTING A TAX.

Whereas the Treasurer of the county of Washington has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the General Sessions of the Peace for said county, has laid before the General Court an estimate, made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said county the present year, amounting to seven hundred seventy three dollars and twenty five Cents:

Resolved, That the sum of seven hundred seventy three dollars and twenty five Cents be, and hereby is granted as a Tax for said County of Washington, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to law.

January 24, 1800.

Chapter 72.

RESOLVE ON THE PETITION OF BOSSENGER FOSTER, DIRECTING THE TREASURER TO GIVE HIM POSSESSION OF A CERTAIN DWELLING-HOUSE IN THE TOWN OF BOSTON UNTIL.

On the petition of Bossenger Foster surviving Executor of the last will and [&] testament of James Griffin late of Boston deceased, praying that a certain bond given by Daniel Leonard an Absentee to the said Foster & others, his co-executors, may be paid out of the confiscated property of the said Leonard.

Resolved that the Treasurer of this Commonwealth, be, and he is hereby authorised & directed to give possession to the said Foster of a certain dwelling house in Boston — being a part of the real estate of the wife of said Leonard, which by means of the confiscation of his property has accrued to, and is now in possession of this Commonwealth, to be holden by the same during the life of said Daniel; for the purpose of discharging the bond before-mentioned, dated the thirteenth day of September A D. 1774, for the sum of One hundred & fifty Pounds, lawful money, and bearing Interest from said day. And that the said Commonwealth hereby release and quit claim to the said Foster in his said capacity to and for the use of the heirs of the said James Griffin, all the right & title

they now have or shall have in and to the aforesaid house, he the said Foster to hold the same as aforesaid, from and after the first day of March next, when possession shall be delivered, until the term of five years shall be complete and ended (if the said Leonard should live so long) in full discharge of the aforesaid demand. *Provided* that the said Foster shall within one year after taking possession of the said house, expend the sum of One hundred Dollars in repairing the same, under the direction of the Treasurer of this Commonwealth.

January 24, 1800.

Chapter 73.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS
FOR THE COUNTY OF YORK AND GRANTING A TAX.

Whereas the Treasurer of the County of York, has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the General Sessions of the Peace for said County, has laid before the General Court an estimate, made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said county the present year, amounting to two thousand one hundred dollars:

Resolved, That the sum of two thousand one hundred dollars be, and hereby is granted as a Tax for said county of York, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to law.

January 24, 1800.

Chapter 74.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS
FOR THE COUNTY OF ESSEX AND GRANTING A TAX.

Whereas the Treasurer of the county of Essex, has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the General Sessions of the Peace for said county, has laid before the General Court an estimate, made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said county the present year, amounting to three thousand three hundred dollars:

Resolved, That the sum of three thousand three hundred dollars be, and hereby is granted as a Tax for said County of Essex, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to law.

January 24, 1800.

Chapter 75.

RESOLVE ON A LETTER FROM TIMOTHY PICKERING, ESQ. DIRECTING THE SECRETARY TO DISTRIBUTE THE LAWS OF THE UNITED STATES IN THE SAME MANNER AS DIRECTED BY A RESOLVE PASSED JAN. 31, 1798.

Resolved that the Secretary of the Commonwealth be and he hereby is Directed to Cause the Laws of the United Stat[es] now Deposited in his office being the proportion belonging to this Commonwealth — agreeabl[le]y to An Act of Congress passed March 3d 1795 and the act in addition thereto passed on the 2d Day of March 1799 — To be Distributed in the Same manner as Directed by a Resolve of this Commonwealth passed the 31st Day January A D 1798.

January 24, 1800.

Chapter 76.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF NORWAY, DISCHARGING THE INHABITANTS FROM A TAX.

On the Pe[tit]ion of the Select men of the Town of Norway in the County of Cumberland.

Resolved for Reasons Set forth in Said Petition that the inhabitants of Said town be Exemp[e]ted & discharged from a tax Granted against Said town for the year 1797 amounting to thirty seven Dollars & twenty two Cents.

January 24, 1800.

Chapter 77.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF BARNSTABLE AND GRANTING A TAX.

Whereas the Treasurer of the County of Barnstable, has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed and whereas the Clerk of the General Sessions of the Peace for said county, has laid before the General Court an estimate

made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said county the present year, amounting to one thousand one hundred and twelve dollars :

Resolved That the sum of one thousand one hundred and twelve dollars be, and hereby is granted as a Tax for said county of Barnstable, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to law.

January 24, 1800.

Chapter 78.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF WORCESTER AND GRANTING A TAX.

Whereas the Treasurer of the County of Worcester has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed ; and whereas the Clerk of the General Sessions of the Peace for said county, has laid before the General Court an estimate, made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said county the present year amounting to three thousand dollars :

Resolved, That the sum of three thousand dollars be, and hereby is granted as a Tax for said county of Worcester, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to law.

January 25, 1800.

Chapter 79.

RESOLVE ON THE PETITION OF NATHAN ANGELL.

On the petition of Nathan Angell, praying that he may be allowed for a mistake made by the Treasurer in funding Gold and Silver Notes, in the Year 1781.

Resolved, That the Treasurer be, and he hereby is, directed to issue a note payable to the said Nathan Angell or bearer, for the sum of thirteen hundred and twenty nine dollars and ninety nine Cents, bearing five per Cent interest from the first day of July in the year of our Lord one thousand seven hundred and ninety four.

January 25, 1800.

Chapter 80.

RESOLVE GRANTING FIVE HUNDRED DOLLARS TO THE SOCIETY
FOR PROPAGATING THE GOSPEL.

Resolved, that there be granted to the Society for propagating the Gospel among the indians, and paid out of the Treasury of this Commonwealth, the sum of five hundred dollars, for the present year, to be expended by said Society in furnishing and providing such of the Inhabitants of this Commonwealth, as are destitute by their situation and circumstances of instruction in religion, morality and common school learning, with the necessary means of obtaining these very important ends.

January 28, 1800.

Chapter 81.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE DISTRICT OF BETHLEHEM, AUTHORIZING THE TREASURER TO CREDIT SAID DISTRICT WITH A CERTAIN SUM.

On the Petition of the Selectmen of the District of Bethlehem, praying that they may be discharged from a sum set against said district towards the pay of a Representative for the years of 1796 & 1797, the said district not being annex'd to any town & not having any right to vote for a Representative.

Resolved for reasons set forth in said Petition that the Treasurer of this Common Wealth be, & he hereby is authorised and directed to credit said district with the sum of sixteen dollars & fifty one cents out of their next Tax.

January 28, 1800.

Chapter 82.

RESOLVE ON THE PETITION OF JOHN KUHN AND WILLIAM KEMPTON, DIRECTING THE ATTORNEY GENERAL TO ENTER A *NOLLE PROSEQUI*.

Upon the Petition of John Kuhn & William Kempton.

Resolved that the Attorney General be and he hereby is directed to enter a *Nolle prosequi* upon an Indictment now pending in the Supreme Judicial Court against the said Kuhn and Kempton for having erected a double house in the Town of Boston, against the Act of this Commonwealth entitled "an Act to secure the Town of Boston

from damage by fire" provided the said Kuhn & Kempton shall pay all costs of prosecution and produce satisfactory evidence to the said Supreme Judicial Court of the consent of the Town of Boston & the Firewards thereof to the remission of the fine or penalty which by Law may or might ac[c]rue to the said Town of Boston and the Firewards by reason of a conviction upon the aforesaid Indictment.

January 28, 1798.

Chapter 83.

RESOLVE GRANTING TO EBENEZER BROWN AND EPHRAIM PRATT, ONE HUNDRED DOLLARS FOR THEIR SERVICES IN SECURING SAMUEL SMITH AND ISAAC MOORE, TWO BURGLARS.

On the Petition of Ebenezer Brown and Ephraim Pratt, praying, that they may be compensated, for the risk Trouble and expence in arresting Samuel Smith and Isaac Moore in June last, two Burglars in the County of Middlesex.

Resolved that there be paid out of the Treasury of the Comth. the sum of One hundred Dollars to the said Ebenezer Brown and Ephm. Pratt—in full for their services in the business aforesaid.

January 28, 1800.

Chapter 84.

RESOLVE ON THE PETITION OF REUBEN NEWELL, EMPOWERING THE ADMINISTRATORS TO EXECUTE THE DEED MENTIONED.

On the Petition of Reuben Newell, praying that the administrators on the estate of Ebenezer Newell, late of Needham, in the County of Norfolk, may be empowered to make and execute a deed of a tract of land in Dover, which said Reuben contracted and paid for in the life time of said Ebenezer.

Resolved, that the administrators on said estate, be and they hereby are empowered to make and execute a good and lawful deed to said Reuben Newell of ten acres of land lying in the District of Dover in said County, bounded east and south on land of Samuel Fisher; west on a road; north on land of said Ebenezer.

January 29, 1800.

Chapter 85.

RESOLVE ON THE PETITION OF AMOS SMITH, DIRECTING THE TREASURER TO ISSUE A NEW NOTE.

On the petition of Amos Smith a Soldier in Col. Wigglesworths Regiment praying for his Specie Notes which were drawn by a forged order.

Resolved that the prayer thereof be Granted and the Treasure[r] be directed to issue to said Amos Smith a New loan Note for One Hundred & twenty two Dollars twenty Cents bearing Interest at 5 p C. from 1st of July 1794 which will place him in the Same Situation as if his wages had not been drawn by a forged Order.

January 29, 1800.

Chapter 86.

RESOLVE ON THE PETITION OF ABRAHAM PERKINS, AUTHORIZING THE GOVERNOR, WITH THE CONSENT OF THE COUNCIL, TO RAISE A COMPANY OF LIGHT INFANTRY IN THE TOWN OF NEWBURYPORT.

On the petition of Abraham Perkins & others praying for leave to raise a Company of Light Infantry in the town of Newbury port.

Resolved that the Lieutenant Governor with consent of the Council is hereby Authorized and empower'd to raise a Company of Light Infantry in said town of Newbury port being in the first Regiment Second Brigade and Second Division of the Militia of this Common Wealth to be annexed to said first Regiment and Subject to such rules and regulations as are or may be provided by law for the Government of the Militia. *January 29, 1800.*

Chapter 87.

RESOLVE ON THE PETITION OF THE TOWN OF EASTON, AUTHORIZING THE COURT OF GENERAL SESSIONS OF THE PEACE TO APPORTION THE EXPENSE OF THE HIGHWAY MENTIONED, UPON THE SEVERAL TOWNS.

On the Petition of the Town of Easton in the County of Bristol setting forth that by the Laying out and acceptance of a common road or highway Leading from the Town of Raynham through the said Town of Easton by the Court of General Sessions of the peace for said County they are

agrieved, and Subjected to an expence beyond their abilities to bear.

Resolved, that the Court of General Sessions of the peace in said County of Bristol be, and they hereby are authorized and empowered upon consideration of the expence of the highway Lately laid out, and accepted by said Court, Leading from Raynham and runing through a Cedar Swamp in said Town of Easton ; To apportion the same upon the several Towns within said County.

January 29, 1800.

Chapter 88.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF HAMPSHIRE AND GRANTING A TAX.

Whereas the Treasurer of the county of Hampshire has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed ; and whereas the Clerk of General Sessions of the Peace of said county, has laid before the General Court an estimate made by said Court of Sessions, of the necessary charges likely to arise in said county the present year amounting to four thousand four hundred and eighty dollars :

Resolved, That the sum of four thousand four hundred and eighty dollars be, and the same is hereby granted as a tax for said county, to be apportioned assessed, collected and applied to the purposes aforesaid, according to law.

January 30, 1800.

Chapter 89.

RESOLVE ON THE PETITION OF JAMES WASHBURN, AUTHORIZING HIM TO ENTER AND PROSECUTE, IN THE NEXT SUPREME JUDICIAL COURT TO BE HOLDEN IN PLYMOUTH, THE APPEAL MENTIONED.

On the Petition of James Washburn, Administrator of the Estate of Amos Washburn, late of Middleborough deceased ; praying that he may be allowed to prosecute an appeal made by the said Amos in his life time, in an Action of Covenant Broken, wherein Zephaniah Briggs of Middleborough was Appellee.

Resolved, for reasons set forth in said petition, that the said Administrator, be and he hereby is authorized to enter and prosecute in the next Supreme Judicial Court,

to be holden in Plymouth, within and for the County of Plymouth, on the third Tuesday of May next an appeal made by the said Amos in his life time from a Judgment of the Court of Common Pleas holden at Plymouth on the second Tuesday of August in the year of our Lord One thousand Seven hundred & Ninety three, to the then next Supreme Judicial Court, for the same County, in an action wherein the said Zephaniah Briggs was Original Pla[i]ntiff, and the said Amos Washburn defendant; And the said Supreme Judicial Court, are hereby authorized to proceed to hear and determine the said action in the same way and manner to all intents and purposes whatsoever, as if the said appeal had been prosecuted by the said Amos; and to do all things in the premises, necessary & proper to be done for correcting the Errors if any, in the former Judgment & proceedings aforesaid, and for rendering compleat Justice to the parties in the said Action. *Provided*, that the said Administrator cause the said Zephaniah Briggs to be duely Served with a Copy of this Resolve Attested by the Secretary, Thirty days at least, previous to the Third Tuesday of May next.

January 30, 1800.

Chapter 90.

RESOLVE ON THE PETITION OF BENJAMIN WHITMAN, AUTHORIZING THE GOVERNOR, WITH THE CONSENT OF THE COUNCIL, TO RAISE A COMPANY OF CAVALRY IN THE FIRST BRIGADE IN THE FIFTH DIVISION OF THE MILITIA OF THIS COMMONWEALTH.

On the Petition of Benjamin Whitman and others, Praying to be embodied into a Company of Cavalry in the first Brigade in the fifth Division of the Militia of this Commonwealth.

Resolved that the Lieutenant Governor with the consent of Council be and they are hereby authorized and empowered to raise a Company of Cavalry within the limits of the Said Brigade — and which are to be annexed to the Cavalry composing the Squadron now belonging to the Brigade aforesaid — Subject however to all such rules and regulations as are and may hereafter be provided for the goverment of the Militia of this Commonwealth.

January 31, 1800.

Chapter 91.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF NORFOLK AND GRANTING A TAX.

Whereas the Treasurer of the county of Norfolk has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the Court of General Sessions of the Peace for said County, has laid before the General Court an estimate, made by said Court of General Sessions of the Peace, of the necessary charges likely to arise in said county the present year, amounting to three thousand dollars:

Resolved, That the sum of three thousand dollars be, and hereby is granted as a Tax for said County of Norfolk, to be apportioned assessed collected and applied for the purposes aforesaid, agreeable to law.

January 31, 1800.

Chapter 92.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF LINCOLN AND GRANTING A TAX.

Whereas the Treasurer of the county of Lincoln has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of the Court of General Sessions of the Peace for said county, has laid before the General Court an estimate, made by said Court, of the necessary charges likely to arise in said county the present year, amounting to three thousand four hundred seventy nine dollars and fifty five Cents:

Resolved, That the sum of three thousand four hundred seventy nine dollars and fifty five Cents be, and hereby is granted as a Tax for said county of Lincoln, to be apportioned, assessed, collected and applied for the purposes aforesaid, agreeable to law.

January 31, 1800.

Chapter 93.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT AND ALLOWING EXTRA PAY TO THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth, to each member of the

Council, Senate and House of representatives two Dollars pr. day for each day's attendance the present Session, and a Like sum for every ten miles distance from their respective places of abode, to the place of the Sitting of the General Court — *and be it further resolved* that there be paid to the President of the Senate and the Speaker of the House of representatives each two Dollars per day for each and every days attendance, over and above their pay as Members.

February 1, 1800.

Chapter 94.

RESOLVE ON THE PETITION OF PAUL LITTLE AND OTHERS, IN BEHALF OF THE INHABITANTS OF THE TOWN OF WINDHAM IN THE COUNTY OF CUMBERLAND.

On the Petition of Paul Little and others, a Committee in behalf of the Inhabitants of the Town of Windham, in the County of Cumberland, praying for liberty to sell and dispose of the lot number five in said town appropriated to the use and improvement of a Congregational minister in the same.

Resolved, for reasons set forth in said Petition, that the prayer thereof be so far granted, that the Inhabitants of the said town of Windham, be and hereby are authorised and empowered (with the consent of the Reverend Nathaniel Stone, the Congregational minister in said town) to sell and dispose of the lot aforesaid; and that the net proceeds of the said sale be & forever hereafter continue vested in some of the public funds of the United States or of this Comonwealth, and the interest arising therefrom be applied towards the support of the Congregational minister in said town forever.

It is also further Resolved, that the Town Clerk of the said town, and the Clerk of the Church therein shall severally procure from the Secretary, an attested copy of this Resolve, and enter the same at full length on the records of the town and of the church respectively, and preserve the same on the files of their respective offices, in order that the sale and appropriation aforesaid may be known, and the application thereof better secured in future.

February 1, 1800.

Chapter 95.

RESOLVE ON THE PETITION OF ORRIN MILLARD AND OTHERS,
DECLARING A CERTAIN DEED RATIFIED, CONFIRMED, &c.

On the Petition of Orrin Millard of Becket in the County of Berkshire, John Nichols of Becket aforesd. Administrator of the Estate of William Nichols late of said Becket deceased, Rachel Nichols, Widow of the said William Nichols, the said John Nichols being also Guardian of William Titus Nichols an infant son and sole heir at law of the said William Nichols deceased, setting forth that the said Orrin Millard in the life time of the said William Nichols bargained & sold to the same William Nichols a certain lot or tract of land lying in Becket aforesaid, known by the name of lot number sixty nine in the third division of lands there, and made & executed a deed of conveyance in common form with the usual covenants of seizen & warranty dated the tenth day of January in the Year of our Lord one thousand seven hundred & ninety seven, but that by the mistake of the writer who drew the said Deed, and the inadvertence of the Grantor & Grantee, the number sixty one was inserted therein instead of sixty nine, and that the said mistake & error were not discovered by either of the parties to the said Deed during the life time of the said William Nichols; and also stating that the same William in his life time, by virtue of said Deed went into possession of the lot bargained for & intended to be conveyed, viz. said lot number sixty nine, and continued in possession thereof until his death, and that neither of the parties to said deed ever was in possession of lot number sixty one, but that at the time of making the said deed, the said lot number sixty one was & ever since hath been in the seizen & possession of one Thomas Chaffee.

Resolved for reasons set forth in the said Petition that the said Deed be and hereby is declared, ratified, confirmed & established as a good & sufficient deed of the said lot number sixty nine, to every intent & purpose whatsoever, as though the lot number sixty nine aforesaid had been mentioned, expressed & described therein, instead of the lot number sixty one — and that the said deed shall have no other operation or effect whatever than it would have, if the said number sixty nine had been

therein inserted and expressed agreeably to the intention of the parties to the deed, instead of number sixty one.

February 3, 1800.

Chapter 96.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF CHATHAM.

On the petition of the Select Men of the Town of Chatham, setting forth, that in runing the line between said Chatham, & the Town of Orleans, in the year 1796, by the Committee appointed for that purpose, there was an error in the point of Compass, as the Course expressed in their return does not run to the Northward of Strong Island, which is one discription in the return of said Committee.

Resolved that the Honble. Isaac Thomson Esqr. and Capt. John Dillingham be, and they hereby are appointed a Committee, to repair to the aforesaid Towns, and after having given sufficient Notice to all concerned, to rectify any mistakes which may have taken place, and Establish the line between said Towns by such course and Monuments as shall be permanent—and make a report of their doings at the first Session of the next General Court The Time and expence of said committee to be paid equally by The aforesaid Towns.

February 3, 1800.

Chapter 97.

RESOLVE ON THE PETITION OF AMOS PEIRCE AND NATHAN FISKE, EMPOWERING THE SAID NATHAN TO MAKE AND EXECUTE A QUITCLAIM DEED TO THE SAID AMOS OF THE LAND DESCRIBED.

On the petition of Amos Peirce; and Nathan Fiske administrator of the Estate of Samuel Lamson deceased, praying that the said Nathan in his capacity aforesaid may be authorised to make a quit claim deed to the said Amos of a certain tract of land discribed in the said petition.

Resolved that Nathan Fiske in his capacity of Administrator of the Estate of Samuel Lamson, deceased, be and hereby is empowered to make and execute a quit claim deed to the said Amos Peirce of about twenty acres of land in the town of Ashburnham, being the same land that the said Amos and Caleb Peirce conveyed to the said

Samuel (by deed) on the twelfth day of April Seventeen hundred & eighty four; and the same deed when duly executed by him the said Nathan shall be as good and effectual as a like deed made by the said Samuel in his life time would have been, to quiet the said Amos his heirs & assigns in the possession and enjoyment of the said land.

February 4, 1800.

Chapter 98.

RESOLVE ABATING TAXES ON THE TOWN OF COLUMBIA AND DIRECTING THE TREASURER TO DISCHARGE THE SAME.

Whereas by a Resolve which passed the General Court the 26th of March 1788 all lands which should be sold pursuant to said Resolve by the committee for the sale of Eastern lands, were exempted from taxes for the space of ten years; and whereas Townships No. 12 and 13 which have since been incorporated into a town by the name of Columbia, were since the year 1790 sold by said committee according to the Resolve aforesaid; notwithstanding which said Town of Columbia was assessed in the Tax for the year 1797 for the sum of forty four dollars and fifty eight cents, and in the tax for the year 1798, the sum of forty four dollars and fifty eight cents: Therefore,

Resolved, that the aforesaid sums be abated to the said Town of Columbia; and the Treasurer is hereby directed to discharge said Town from the taxes aforesaid.

February 4, 1800.

Chapter 99.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF BERKSHIRE AND GRANTING A TAX.

Whereas the Treasurer of the county of Berkshire has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed; and whereas the Clerk of General Sessions of the Peace of said county of Berkshire has laid before the General Court, an estimate, made by said General Sessions, of the debts due from, and the necessary charges likely to arise within said county the present year, amounting to one thousand seven hundred and thirty dollars:

Resolved, That the sum of one thousand seven hundred and thirty dollars be, and hereby is granted as a tax for said county of Berkshire, to be apportioned, assessed, collected and applied to the purposes aforesaid, in manner as the law directs,

February 4, 1800.

Chapter 100.RESOLVE ON THE PETITION OF THE GUARDIANS OF THE
DUDLEY INDIANS.

Whereas it appears by examining the accounts of the Guardians of the Dudley Indians, from the 27th day of May 1798 to the 27th day of May 1799 that there is due from this Commonwealth to said Guardians the sum of forty seven dollars and eighty two cents : Therefore

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to the said Guardians, the sum of forty seven dollars and eighty two cents, in full for the expences attending their Guardianship to the said 27th day of May 1799.

February 5, 1800.

Chapter 101.

RESOLVE ON THE REPORT OF THOMAS DAVIS, ESQ. COMMISSIONER APPOINTED BY A RESOLVE OF FEB. 23, 1798, TO RESURVEY THE WALDO PATENT.

On the Report of Thomas Davis Commissioner appointed by a resolution passed Feby. 23, 1798 to resurvey the Waldo patent so called and for other purposes mentioned in said resolution.

Resolved That the Legislature approve of the Assignment proposed to be made by said Commissioner to Henry Knox, and others interested, in the Waldo Patent, of all lands remaining the property of the Commonwealth in four Townships lying North of said patent viz. No. 1, called Hampden and No. 2 in the first range — and No. 1, called Bangor and No. 2 in the second range ; excepting one hundred acres to each settler in said Townships as specified in said resolution of Feby. 23, 1798.

And it is further resolved That the Assignment aforesaid when made by said Commissioner shall be valid to all intents and purposes, provided said Knox and others, interested as aforesaid, shall execute a release of all demands on this Commonwealth for any deficiency in the Grant made to Beauchamp & Leverett occasioned by the inte[r]ference of said grant with the lands of the Plymouth Company, and for any deficiency in said grant caused by any other circumstance whatever — and for all claims on the Commonwealth by Virtue of a resolution of the Legislature founded on a report respecting said patent, made by the Committee for sale of Eastern lands.

And it is further resolved that, said Commissioner be directed to lodge said release when executed, in the Secretarys office, and to exhibit his account for making the survey to the Committee on Accounts for settlement.

February 5, 1800.

Chapter 101A.*

RESOLVE DIRECTING THE SECRETARY TO FURNISH THE GENERAL COURT WITH THE SPECIAL AND TEMPORARY ACTS.

Resolved, that the Secretary collect and furnish the two branches of the General Court respectively, with three sets of such special and temporary acts as are not contained in those editions of the laws now extant.

February 5, 1800.

Chapter 102.

RESOLVE ON THE PETITION OF JACOB ABBOT, ALLOWING A FURTHER TIME TO COMPLETE THE SETTLEMENT.

On the Petition of Jacob Abbot, in behalf of himself and his associates, purchasers of Townships Number one, two, four and five in Titcomb's survey so called, in the year 1793, between Kennebeck and Androscoggin Rivers, praying for a longer time to complete the settling duties in said Townships.

Resolved, for reasons set forth in said Petition, that a further term of three years from the fifteenth day of February instant be and hereby is allowed to the said Jacob Abbot and his Associates to compleat the settlements in said Townships Number one, two, four and five.

February 6, 1800.

Chapter 103.

RESOLVE ON THE PETITION OF JAMES BRIDGE, AUTHORIZING THE COURT OF GENERAL SESSIONS OF THE PEACE TO MAKE HIM SUCH ALLOWANCE FOR HIS SERVICES AS THEY MAY JUDGE REASONABLE.

On the Petition of James Bridge, Judge of Probate for the County of Kennebeck, stating, that the fees allowed to said Judge by Law are not an adequate compensation

* Not signed by the governor. Not printed in previous editions.

for his services, and it appearing that the same are insufficient therefore,

Resolved, that the Court of General Sessions of the Peace for said County be and hereby are authorized and empowered to make the Judge of Probate for said County for the time being, such allowance for his services, as they may Judge reasonable and just to be paid out of the Treasury of the County. *Provided however* that such allowance shall not exceed the sum of one hundred & fifty dollars per annum including the fees of office established by Law.

February 10, 1800.

Chapter 104.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF DEIGHTON, DIRECTING THE TREASURER TO ISSUE A WARRANT TO THE ASSESSORS OF THE TOWN OF BERKLEY FOR THE PURPOSE MENTIONED.

Whereas by an Act passed the 26th day of Feby. in the y[e]ar of our Lord one thousand seven hundred ninety nine, a part of the Town of Deighton was annexed to the Town of Berkly & by the same Act it appears that one eighth part of the State taxes which would otherwise have been required of the said Town of Deighton, ought in future assessments to be deducted from said Town of Deighton & set to said Town of Berkly, which has not been done; but the same Sums have (by the Tax Act which passed the 28th day of Feb. 1799) been requ[i]red of the said Towns of Deighton & Berkly respectively, as would have been required, if said first mentioned Act had never passed:

Resolved that the Treasurer of this Commonwealth be, & hereby is directed to issue a Warrant to the assessors of the Town of Berkly, requiring them to assess the Sum of fifty Dollars on the Polls & Estates in that part of the Town of Berkly which was annexed thereto by the first recited Act, and the said Assessors shall assess the same & return certificates thereof to the Treasurers office, and the Town of Berkly be held to pay the same, at the time & in the manner which shall be prescribed by Law for raising & payin[g] in a Tax in this Commonwealth for the current year; And all assessments which have been made in said Town of Berkly pursuant to the last Tax Act shall be valid, any informality in assessing the same notwithstanding.

And it is further Resolved, That the Sum of fifty Dollars be payed out of the Treasury of this Commonwealth to the said Town of Deighton, on the first day of Jany. 1801 it being the Sum required of said Town by the last Tax Act, over & above its just proportion.

February 10, 1800.

Chapter 105.

RESOLVE ON THE PETITION OF GEORGE WALKER, IN BEHALF OF THE INHABITANTS OF THE TOWN OF DEIGHTON, RENDERING VALID THE ELECTION OF JOHN WAISTCOAT AND LEONARD HATHAWAY AS COLLECTORS OF TAXES.

On the petition of George Walker, in behalf of the inhabitants of the town of Deighton, praying that the election of John Waistcoat and Leonard Hathaway, collectors of taxes for the said town of Deighton, which election was made in the month of November last, may be confirmed and made valid.

Resolved that the prayer of the said petition be granted and that the elections of the said John and Leonard, as collectors of taxes for the said town of Deighton be and hereby are, severally, made as good and valid as the same would have been, provided they the said John and Leonard had, severally, been elected, at a meeting of said inhabitants, holden in the month of March or April last.

February 13, 1800.

Chapter 106.

RESOLVE ON THE PETITION OF ZEBINA CURTIS AND JESSE WILLIAMS.

Whereas the Committee for the sale of eastern Lands did, in behalf of the Commonwealth, on the fifth day of February in the Year of our Lord one thousand seven hundred and ninety five, agree to sell to Zabod Curtis of Royalton in the State of Vermont and his associates, a township of land containing twenty one thousand acres numbered one in the third range lying west of and adjoining to Bingham's purchase, surveyed by Ephraim Ballard and Lemuel Perham in the Year 1794, in consideration that Zebina Curtis & Jesse Williams in behalf of the said Zabod had paid the Treasurer of the Commonwealth the sum of one hundred & thirty one pounds thirteen shillings & four pence, and that the said Zebina & Jesse had on the

said fifth day of February given to the said Treasurer four several notes of hand signed by them — one of which is for the sum of three hundred & fifteen pounds nineteen shillings & eleven pence payable the fifth day of February seventeen hundred & ninety six — one other of which is for the sum three hundred and thirty four pounds nineteen shillings and one penny payable on the fifth day of February seventeen hundred & ninety seven — one other of which is for the sum of three hundred and fifty five pounds & one shilling payable on the fifth day of February seventeen hundred & ninety eight — and one other of which is for the sum of three hundred and seventy six pounds & seven shillings payable on the fifth day of February seventeen hundred and ninety nine — and whereas the said Committee did contract and agree that upon the said Zabod Curtis his heirs or assigns paying the contents of said several notes within the periods limited therein that he or they should be entitled to receive from the Commonwealth a good & sufficient deed of said Township, conditioned however that the said Zabod Curtis his heirs or assigns should settle within said Township thirty families in six years from the fifth day of February first aforesaid, reserving in said Township four lots of three hundred & twenty acres each for public uses, viz. one lot for the first settled minister his heirs and assigns one lot for the use of the ministry in said Township, one lot for the use of Schools and one lot for the future disposition of the General Court — said lots to average in situation & quality with the other lands in said Township — And also reserving to such settlers as settled in said Township before the Year seventeen hundred & eighty four, one hundred acres of land to be so laid out as should best include his improvements & be least injurious to the adjoining lands he paying to the said Curtis five dollars for the same.

And whereas also, the said Committee did on the fifth day of February first aforesaid agree to sell to Nahum Trask of Windsor in the State of Vermont & his associates, a certain other Township of land six miles square numbered one in the second range of Townships lying west of and adjoining to Bingham's purchase aforesd. — in consideration that the said Zebina Curtis and Jesse Williams had in behalf of said Nahum Trask — paid to the Treasurer of the Commonwealth the sum of one hundred and forty four pounds thirteen shillings and four pence,

and had also on the same day given their four several promissory notes to the Treasurer aforesaid, payable at the several & respective times abovementioned — the first of which is for the sum of three hundred & forty six pounds one shilling & nine pence — the second for the sum of three hundred & sixty six pounds seventeen shillings and one penny — the third for the sum of three hundred & eighty eight pounds seventeen shillings and one penny and the fourth for the sum of four hundred & twelve pounds three shillings and nine pence — the same Township to be conveyed under & subject to like conditions reservations & limitations as are above expressed with respect to the Township first above described.

And whereas also, the said Committee did on the fifth day of February first aforesd. agree to sell to Stephen Jacob Esqr. of Windsor aforesaid and his associates a certain other Township of land six miles square numbered one in the fourth range lying west of and adjoining to Bingham's purchase aforesaid, in consideration that the said Zebina Curtis and Jesse Williams had paid to the Treasurer of the Commonwealth a like sum, and given their four several promissory notes to said Treasurer for the like sums and payable at the several & respective times specified upon the contract secondly abovementioned — the same Township to be conveyed under & subject to like conditions reservations & limitations as are abovementioned.

And whereas no part of any or either of the several notes abovementioned has been paid, and by reason of the non payment thereof, the said Zabod Curtis, Nahum Trask & Stephen Jacob & each & every of them, and each & every of their Heirs and Assigns, and all persons claiming any benefit or advantage from, by or under them any or either of them by virtue of either of the contracts aforesd. have forfeited all right, claim and demand both in law and equity against the Commonwealth upon any of the contracts aforesaid — and the said Zebina Curtis & Jesse Williams having by their Petition & memorial to the General Court represented that they are utterly unable to make payment of the several notes aforesaid, and that they are willing to lose and forfeit the several sums of money by them paid to the Treasurer aforesd. — as is above stated, amounting to ten per cent. of the whole amount of the several sums for which the

contracts aforesaid were made — and it not being reasonable that the Commonwealth under the circumstances of the case should hold them to the payment of the said notes :

Therefore, Be it Resolved, that the said Zebina Curtis and Jesse Williams be and they hereby are released and discharged from all claim and demand which the Commonwealth has or may have against them or either of them upon or by virtue of the several notes aforesaid or either of the same — and that the several contracts aforesd. and every part thereof shall be considered as null and void — excepting that the Commonwealth of right retains to its own use the several sums of money aforesaid paid into the Treasury upon the several contracts aforesaid as is above specified — and the Treasurer is hereby directed to keep the said notes on file in his office together with a copy of this resolve, to the end that no future doubt, difficulty or dispute may arise respecting the several contracts aforesaid.

February 13, 1800.

Chapter 107.

RESOLVE GRANTING A TAX FOR THE COUNTY OF KENNEBEC.

Whereas the Clerk of the Court of General Sessions of the Peace for the county of Kennebec, has laid before the General Court an estimate made by the said Court of General Sessions of the Peace, of the necessary charges likely to arise within the said county, the current year, amounting to three thousand six hundred seventy three dollars and fifty one Cents :

Resolved, That the sum of three thousand dollars be, and is hereby granted as a tax for the said county of Kennebec, to be apportioned, assessed, collected and applied in manner agreeable to law.

February 15, 1800.

Chapter 108.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF CUMBERLAND AND GRANTING A TAX.

Whereas the Treasurer of the county of Cumberland has laid his accounts before the General Court, in manner prescribed by law, which are hereby allowed ; and whereas the Clerk of General Sessions of the Peace of said county, has laid before the General Court an estimate made by

said Sessions, of the necessary charges likely to arise in said county the present year, amounting to six thousand dollars :

Resolved, That the sum of six thousand dollars be, and the same is hereby granted as a tax for said county, to be apportioned, assessed, collected and applied to the purposes aforesaid, according to law. *February 15, 1800.*

Chapter 109.

RESOLVE ON THE PETITION OF THEODORE HINSDALE, NATHANIEL TRACY, AND HENRY HOWARD, IN BEHALF OF THE WEST PARISH IN THE TOWN OF PARTRIDGEFIELD.

On the Petition of Theodore Hinsdale, Nathaniel Tracy, and Henry Howard, in behalf of the West Parish, in the town of Partridgefield, praying that all the public acts and proceedings of said Parish, relative to a meeting house which said Parish have lately erected may be ratified and confirmed.

Resolved, that the prayer of said Petition be so far granted, that all the proceedings of said Parish, respecting the erecting said meeting house, which otherwise would have been legal and proper, be and hereby are made good and valid, any irregularity or want of form in the manner of warning said meetings to the contrary notwithstanding: *Provided however*, that nothing herein contained shall be construed to affect the title of any lands sold or assessed as the estate of any non-resident proprietor of lands lying within said Parish.

February 15, 1800.

Chapter 110.

RESOLVE ON THE PETITION OF PHINEAS INGALS AND OTHERS, A COMMITTEE IN BEHALF OF THE TOWN OF BRIDGTON.

On the Petition of Phineas Ingals, and others, a committee in behalf of the Inhabitants of the Town of Bridgton, in the County of Cumberland, praying for liberty to sell and dispose of the second right of land in said Town, the same being the full complement of land reserved for the use of the ministry therein.

Resolved, that the said Inhabitants of said Town of Bridgton, be and hereby are authorised and impowered to sell and dispose of the said right of land, reserved for the use of the ministry as aforesaid; and that the neat

proceeds of said sale be vested in a fund, and the interest arising therefrom be applied towards the support of the ministry in said Town, forever after.

February 15, 1800.

Chapter 111.

RESOLVE ON THE PETITION OF RUTH SMITH, AUTHORIZING HER TO SELL HER RIGHT IN THE REVERSION OF HER MOTHER AND TO EXECUTE A DEED.

On the Petition of Ruth Smith, wife of Ephraim Smith, an insane person, praying that she may be authorised to sell and convey her right to the Reversion of her mother's Dower.

Resolved, That the said Ruth Smith be and she is hereby authorised to sell and convey all her right and interest in the Reversion of her Mother Elizabeth Barrett's Dower in the estate of Israel How, late father of the said Ruth Smith, and to make and execute a deed or deeds thereof to any person or persons, who may purchase the same, in the same manner she might do, were she a *feme sole* or unmarried.

February 17, 1800.

Chapter 112.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF BOLTON, DIRECTING THE SHERIFF OF THE COUNTY OF WORCESTER TO DISCHARGE JABEZ WALCUT FROM GOAL.

Whereas Jabez Walcut now confined in the Common Goal in Worcester in the County of Worcester, on an Execution in favor of the Commonwealth is unable to satisfy the same :

Be it resolved, That the Sheriff of the County of Worcester be and he hereby is directed forthwith to discharge the said Jabez Walcut from the Goal aforesaid, and no longer hold the said Jabez on the Execution in favour of the Commonwealth.

February 17, 1800.

Chapter 113.

RESOLVE ON THE PETITION OF JESSE SEVERANCE, DIRECTING THE SHERIFF OF THE COUNTY OF HAMPSHIRE TO RETURN THE EXECUTION AGAINST HIM UNSATISFIED AND DIRECTING THE TREASURER TO DELAY ISSUING ANOTHER EXECUTION UNTIL SEPTEMBER NEXT.

On the Petition of Jesse Severance a Collector of the Town of Conway in the County of Hampshire praying

that an Execution in favor of the Commonwealth against him may be returned unsatisfied in part & the collection thereof be suspended to some future day.

Resolved That for reasons set forth in said petition the prayer thereof be granted, and that the Sheriff of the County of Hampshire who has said Execution be and hereby is directed to return the same unsatisfied as to the sum of Two hundred & forty Dollars, *provided* that the residue of said Execution be paid to said Sheriff before the return day thereof — and in that Case that the Treasurer of the Commonwealth be & hereby is directed to delay issuing another Execution thereon until the first day of September next.

February 17, 1800.

Chapter 114.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF PENOBSCOT, MAKING VALID ALL MEETINGS AND TOWN PROCEEDINGS SINCE ITS INCORPORATION.

On the petition of the Selectmen of the town of Penobscot, — representing that the meetings of said town, since its incorporation, have generally been irregularly notified : and that the Town-Clerk has omitted to make any certificate or record, that the Officers chosen at such meetings, were sworn as the Law directs.

Resolved that all the votes & transactions, of the Inhabitants of the town of Penobscot, in the County of Hancock, at their several meetings, shall be considered as valid and effectual, as if the meetings in which they were made & passed, had been regularly and legally notified ; and the officers chosen at such meetings, shall have the same powers, and be liable to the same duties, as if a Record of their having been legally sworn, had been made by the Clerk of said town, any omission, or Law to the contrary notwithstanding.

February 17, 1800.

Chapter 115.

RESOLVE ON THE PETITION OF WILLIAM MAREAN, IN BEHALF OF HIMSELF AND OF WILLIAM NIGHTINGALE AND OTHERS.

On the Petition of William Marcan in behalf of himself and of William Nightingale, Nathan Holden, Joseph Clark, John Clark, John Clark Junr. Isaac Clark, William Muzzy & Moses Clark all of Hubbardston in the

County of Worcester, praying that Execution may be stayed till the first day of January next, in two Actions commenced by the Treasurer of this Commonwealth against them, viz. one of said Actions against the four first named persons on a note dated the twenty fifth day of February in the Year one thousand seven hundred & ninety six, for the sum of four hundred & forty two dollars & fifty cents, payable on or before the ninth day of June in the same year with Interest from the ninth day of June 1794 — the other of said Actions against the five persons last abovenamed, on a note bearing the same date, & for the sum of six hundred & fifty two dollars & fifty cents, payable at the same time & with like Interest as in the first mentioned note — which Actions were commenced at the last Term of the Court of Common Pleas for the County of Suffolk & stand continued for final Judgment to the next Term of said Court to be holden in April next.

Resolved, that Execution in the several actions aforesaid be stayed until the first day of January next, on condition that the petitioners deposit in the Treasurer's office of this Commonwealth a sum of money sufficient to pay the interest on the aforesaid notes from the time the Judgment shall be rendered thereon, until the said first day of January — and the Treasurer, Attorney General & the Clerk of said Court are hereby severally required to govern themselves accordingly. *February 18, 1800.*

Chapter 116.

RESOLVE ON THE PETITION OF DANIEL PARKER, OF HAVERHILL, AND SARAH, HIS WIFE.

Whereas two undivided seventh parts of certain real Estate situate in State Street in Boston, and known by the name of the Exchange-Tavern, did in the year of our Lord one thousand seven hundred and seventy four descend from Robert Hill Stone late of Boston to his two daughters, Dorothy and Susannah, both of whom married Foreigners, and removed to Europe, where they have since deceased without having alienated their shares of said Estate. And it appearing that the relations and heirs of the said Dorothy and Susannah who are known, considering that the Estate is so much incumbered with the debts of the said Robert Hill Stone as to render their

Shares of but small value, and that they probably could not legally take or hold the same without the aid of this Legislature, are willing that Sarah wife of Daniel Parker and Sister to said Dorothy and Susannah should have their said shares of the aforesaid Estate subject to the incumbrances aforesaid: And as the said Daniel served his Country with reputation as an Officer in the American Army during the late war with Great-Britain, and is now in indigent circumstances, and he with his said Wife have petitioned this Court to grant to her the right and interest of this Commonwealth in and to said two seventh parts of said Estate: Therefore,

Resolved, That all the right title and interest of this Commonwealth in and to the said Estate known by the name of the Exchange Tavern, be, and the same is hereby, granted assigned and transferred to the said Sarah Parker, to have and to hold the same to her and her heirs and assigns; *provided however* that nothing in this Resolve contained shall be so construed as to prejudice the rights or lawful claims of any of the heirs, Creditors or other persons interested in the Estate aforesaid.

February 18, 1800.

Chapter 117.

RESOLVE ON THE PETITION OF AARON JOHNSON, AUTHORIZING HIM TO APPEAR AND DEFEND THE ACTION MENTIONED.

On the Petition of Aaron Johnson of Sudbury in the County of Middlesex, Yeoman, stating that at the Court of Common Pleas holden at Concord within & for the County of Middlesex on the second Tuesday of September in the Year one thousand seven hundred and ninety five Hezekiah Johnson of Sudbury aforesd. Yeoman recovered Judgment against the said Aaron, by default, for the sum of two hundred & sixty six dollars & sixty six cents Damages, and four dollars & thirty one cents costs of suit — on which Judgment the said Hezekiah has brought an action of debt which is now pending in said Court of Common Pleas, & stands continued to the term of said Court to be holden at Concord within and for said County on the Monday next preceding the third Tuesday of March next — and praying for relief.

Resolved, for reasons set forth in said Petition that the said Aaron be and he hereby is authorized to appear &

defend the said action now pending in said Court, and to make any plea or pleas in the same which he might have made in the original action, and also to file any demand which he has against the said Hezekiah, by way of offset to the demand of the said Hezekiah, which might have been filed & so applied in the said first mentioned action, *provided* the said Aaron shall duly file his demands in the Clerk's office of said Court seven days at least, and shall also cause the said Hezekiah to be served with an attested Copy of this Resolve fourteen days at least previous to the next Term of holding the said Court.

February 18, 1800.

Chapter 118.

RESOLVE ON THE PETITION OF ELISHA PHELPS, OF LANCASTER, DISCHARGING HIM FROM A CERTAIN JUDGMENT.

On the petition of Elisha Phelps of Lancaster in the County of Worcester praying that he may be discharged from a Judgment obtained against him by the Commonwealth at the Supreme Judicial Court holden in said County in September last on a *scire facias* for one hundred dollars debt and eighteen dollars & twenty one cents Cost of suit.

Resolved for reason set forth in Said Petition, the Said Execution against the said Elisha be and it is hereby stayed for two years from the passing of this Resolve.

February 18, 1800.

Chapter 119.

RESOLVE ON THE REPRESENTATION OF THE HONORABLE DAVID SEWALL, ESQ. RESPECTING HIS TRANSACTIONS AS A COMMITTEE IN PURSUANCE OF THE POWERS GRANTED HIM BY A RESOLVE OF THE GENERAL COURT, PASSED JUNE 22, 1799, AUTHORIZING HIM TO RELEASE, BY DEED, TO ROBERT BURNHAM, ALL THE TITLE, &c. WHICH THIS COMMONWEALTH HAS IN CERTAIN LAND.

Resolved, that the Honorable David Sewall, Esq. be and he hereby is authorised, for such consideration as shall appear to him reasonable, to release, by a proper deed, to Robert Burnham, all the title, right and interest which this Commonwealth has in the land lying in Scarborough, which Joseph Monson in June in the year of our Lord 1762, by a deed of Mortgage conditioned for the payment

of fifty seven pounds eleven shillings and four pence, conveyed “to Nathaniel Sparhawk, Esq. as Guardian to William Pepperell Sparhawk, residuary legatee of the late Sir William Pepperell, to hold to him the said Nathaniel Sparhawk, his heirs and assigns forever to and for the sole use and benefit and behoof of the said William Pepperell Sparhawk, residuary legatee as aforesaid his heirs and assigns forever.” And to dispose of and convey any other real estate lately the property of the said Sir William Pepperell, without causing a survey and plan thereof to be made — provided the same can be otherwise sufficiently ascertained. Also the said David Sewall, Esq. is hereby directed to pay over all such monies as he has or may receive as a committee for the sale of lands in pursuance of the directions and authority given and granted him by a Resolve of the General Court passed June 22d. A D 1799, and such as he may receive by force of this Resolve, to the Treasurer of this Commonwealth; and the said Treasurer’s receipt for the same shall be his sufficient voucher and discharge.

February 18, 1800.

Chapter 120.

RESOLVE ON THE PETITION OF GEORGE TYLER TO PURCHASE CERTAIN ISLANDS IN PENOBSCOT BAY.

Resolved that the Committee for the sales of Eastern lands, be and they are hereby authorised to sell and convey to George Tyler or any other person or persons seven small Island[s] situated in Penobscot bay called Crotched Island, McGlathrys Island, Island mark[ed] letter I on Putnams plan, Camp Island, Sheep Island, Carnes Island, Stave Island, the whole containing about three hundred & eighty two acres on such terms and conditions as in their opinion shall be for the intrest of this commonwealth.

February 19, 1800.

Chapter 121.

RESOLVE ON THE PETITION OF JAMES SCOTT AND GEORGE WILLIAM ERVING, AS ATTORNIES TO WILLIS HALL, ESQ. EXECUTOR OF THE LAST WILL AND TESTAMENT OF ISAAC ROYALL, ESQ. DECEASED.

The Committee of both Houses, to whom was committed the report of the Attorney General on the petition of James Scott and George William Erving; and to whom

was recommitted the same petition, the prayer of which is “that the said James and George as attornies to Willis Hall Esqr. of Medford Executor of the last will and testament of Isaac Royall Esqr. of Medford deceased, and as attornies also to the heirs of said Isaac Royall, may have paid over to them a sum of money, the amount of the sales of personal estate and rents of the real estate of the said Royal deposited in the treasury” ask leave to report that the petitioners be permitted to withdraw their petition.

And as the decision of the Legislature, on the principle involved in the prayer of said petition is a very important one to the Commonwealth, your Committee beg leave further to report that the Secretary be directed to cause this together with the report of the attorney General on the subject of the same petition to be printed with the Resolves of the General Court — which is submitted.

THOMAS DWIGHT *Pr. Order.*

To the honorable the Senate and House of Representatives.

The Attorney General, having received your Honours commands, in regard to a petition on the behalf of the heirs of Isaac Royal, formerly of Medford, in the County of Middlesex Esqr., has the honor to make the following report.

That in the year 1778, Agency was granted upon the Estate of Colonel Royall, as on the estate of an absentee, to Simon Tufts Esqr. That there has been paid into the Treasury of the Commonwealth, by the agent, before the treaty of peace with Great Britain was made, several sums, as the rents of the real, and proceeds of the personal estate, which in their consolidated value amount to seven hundred and eighty eight pounds, twelve shillings, and one penny. In the year 1785, there was allowed on the petition of Belinda an affrican servant of said Royall, fifteen pounds twelve shillings, and the same sum, on another petition in 1787.

The suggestion in the Petition, that the proceeds of Royalls Estate, now in the Treasury, were appropriated to the support of aged servants, has no kind of foundation. The money was in the Treasury before the servant above mentioned offered a petition, and the resolves granting her an allowance, did not alter its situation, or make any

appropriation of it. The other suggestion, that Colonel Royall was viewed by the Government in a more favourable point of light, latterly, than he was formerly, is not maintained by any public act, or governmental procedure. Those two facts, on which alone the petition is grounded, being without support, there might be an end of it. But one of the petitioners, being inquired of by the Attorney General, whether there were any facts, or circumstances, to di[s]tinguish this from other cases, where the proceeds of absentees Estates had been paid over to the Treasury, by agents, was informed, that the real Estate of Colonel Royall had never been confiscated, and that there had never been any process or Judgment against the personal Estate, or Rents. These circumstances were laid, as he said, before the Committee of the Legislature. This position draws into discussion, principles, in which the interest of the Commonwealth is deeply involved. The question brought up for examination, is, whether the property in the money now petitioned for, has been ever changed from a private, to a public right, or in other words, whether the personal Estate, & Rents from which it was produced, were confiscated. *Confiscation* means, the taking, and putting into the Treasury of the public, property which has been forfeited. That the property, from which this money was produced, was taken into the Custody of the Government, as forfeited Estate, and the proceeds paid into the Treasury, as public money, is very clear.

By the act of 1777, the Judges of probate were obliged to appoint agents upon the estates of Persons who had gone off to, and joined the invading Enemy. These agents were to cause Inventories to be made of the personal Estate, to sell it at auction, to rent the real estates, and pay the proceeds into the Treasury. By an act made in 1781, all these monies were appropriated to the payment of the depreciation notes of the Army. By an Act made in 1778, a number of Persons therein named, were charged with having left the country, and of having joined themselves to the invading Enemy; and their return was prohibited. Colonel Royall was named in that act.

In the year 1779, another act was made, for confiscating the Estates of certain Persons named in it; and the act provided, and declared, that the Estates, rights, and credits, of those Persons, had escheated, and enured to the Government, and that the government should be

deemed to be in the possession of the same, without any further inquiry, or any determination thereafter to be had. Upon this Act, large quantities of Land have been taken and sold, the title to which is not good, unless a confiscation can be compleat without a process, and Judgment.

Since the national Constitution has been established, an action was brought by the executor of John Murray (one of the Persons named in the act) on a bond given before the revolution, by John Marean. The act above mentioned, was plead in bar, upon an averment, that the debt due on the bond, was the property of this Commonwealth. There was a demurer to the plea, on the idea, that as there had been no legal process, and the money never had actually been paid into the Treasury, the confiscation had never been compleated. Judge Jay, and Judge Cushing adjudged the plea to be good, and considered the confiscation to be compleat by force of the Act alone. The question here was very interesting to this Commonwealth, on account of the vast quantities of Land, which were taken without process, and sold with warranty. The case was removed by writ of error, to the Supreme Judicial Court of the United States; the arguments were stated in writing, and the Judgment of the Circuit Court was affirmed. The reason on which this determination was grounded, applies very forcibly, in the construction of another act, on which the property of Colonel Royall was confiscated. On the same 30th day of April 1779, another Act was made, to confiscate the property of Persons, who had gone off to the enemy. By this act it was provided, that the Estates, rights, and credits, of all Persons, (not named in the other act) who had gone off to, and taken the protection of the Enemy, should escheat, and enure to the Government. The prohibitory law of 1778, had named a number of them; and Isaac Royall amongst the others. These acts were, no doubt, extraordinary measures; but in the course of events, more especially on revolutionary occasions, all nations are obliged to have recourse to that last resort, in times of imminent danger, the *exertion of Legislative force*, and by acts of legislation, *pro re nata*, to decide on persons and property. All the United States adopted the same Measures. The Law last mentioned, provided a mode of inquiry, as to the real Estates of the persons who were the objects of it; but the Personal Estates of those persons, had been taken

into public custody, on the Law of 1777, and disposed of, in general, before the act of 1779 was made. The Judges of probate had been severally made a Court of inquiry, as to the Personal Estates, and the Rents; it was the titles only, of the real Estates which were subjected to this process.

The real Estate of Colonel Royall was under process several years before the Treaty of peace was made; and was saved to the original proprietor, by that kind of delay, which saved the Estates of many others.

If there was any connexion between the confiscation of real Estates, by process, and that of personal Estates, those Persons, who had no real Estates, (of which there are no doubt many instances) but whose Personal estates were taken by agents, ought to have them restored to the original owner. The determination of the Courts of the United States, is the same, as the uniform determination of the Supreme Judicial Court of this State has been. — On the Law last mentioned, the Supreme Judicial Court has been uniform in its determination, that all the personal Estate, and Rents, which have been taken by the agents of the Government, have been confiscated, and become the public property. This determination has its foundation in necessity as well as in justice; because if this was not the case, the agents, and Servants of the public, must be considered as Trespassers from the beginning; and liable to the payment of damages on actions.

JA. SULLIVAN *Attorney General.*

Boston 10th February 1800.

February 19, 1800.

Chapter 122.

RESOLVE ON THE PETITION OF NATHANIEL LEONARD OF SHEFFIELD IN THE COUNTY OF BERKSHIRE.

On the petition of Nathaniel Leonard of Sheffield in the County of Berkshire, and of John Ashley the second and William Ashley both of Sheffield aforesaid, Administrators of the Estate of John Ashley junior Esquire late of said Sheffield deceased intestate, stating that the said John Ashley junior in his life time entered into a verbal agreement with the said Nathaniel to sell and convey to

him by deed, at the rate of forty dollars by the acre, a certain Tract of Land lying in said Sheffield containing one hundred and fifty six rods, bounded, as follows, beginning at a white Oak sapling at the North-West Corner thereof, from thence running South seventy one degrees East fifty four rods to the high-way or County-road leading from Connecticut Line Northward through said Sheffield, Thence South four rods to a Stake thence North seventy one degrees East fifty four rods to a Stake, and from thence to the first mentioned bound; That the said Nathaniel did not pay to the said deceased more than ten dollars towards the purchase of said Tract, but is now ready to pay to the Administrators of his Estate the residue of the sum due for the purchase aforesaid, in case he can have said Land conveyed to him in fee; that he purchased the same for the purpose of erecting a dwelling House thereon; that the said Tract of Land was surveyed and set out to him by metes and bounds as aforementioned by the said intestate in his lifetime, and that with his consent he the said Nathaniel ent[e]red into the actual possession thereof and erected a valuable Dwelling-House thereon; — and praying that the said Administrators may be authorized to convey the said Tract of Land to the said Nathaniel in fee, upon his paying them the sum now due on the Contract aforesaid.

Resolved, That upon said Nathaniel's paying to the Administrators aforesaid the residue of the money which he agreed to give for said Tract of Land, and lawful interest therefor from the time the same was set off to him as aforesaid, they lawfully may, and hereby are authorized and empowered to, convey the Tract of Land aforesaid to the said Nathaniel, to hold to him and his heirs and assigns in fee, and to make and execute a good and sufficient deed for that purpose; and that the aforesaid monies which they may receive for said Land shall be assets in their hands.

February 19, 1800.

Chapter 123.

RESOLVE ON THE PETITION OF SAMUEL PREBBLE AND JEDEDIAH PREBBLE.

On the Petition of Samuel Prebble and Jedediah Prebble praying for compensation for the loss of uniform clothes, and time occasioned by blowing off, of a four pound cartridge in their hands when doing military duty.

Resolved that there be paid out of the Treasury of this Commonwealth, Thirty seven dollars to each of the above named petitioners in full for their losses as set forth in their petition and in full for nursing and for Doctors Bill.

February 21, 1800.

Chapter 124.

RESOLVE AUTHORIZING THE GOVERNOR TO APPOINT A SUITABLE PERSON TO BE KEEPER OF THE HOSPITAL AT MARTHA'S-VINEYARD AND TO APPOINT AN AGENT TO FURNISH SAID HOSPITAL WITH FURNITURE.

Resolved, that his Honor the Lieutenant Governor be and hereby is authorised to appoint some suitable person to be keeper of the Hospital at Martha's Vineyard, Whose duty it shall be to keep said Hospital in good order for the reception of the sick.

And it is further Resolved, that his Honor the Lieut. Governor, be and hereby is requested to appoint an Agent to furnish said Hospital with necessary furniture; and that there be allowed and paid out of the public Treasury a sum not exceeding sixty dollars to defray the expence thereof.

February 21, 1800.

Chapter 125.

RESOLVE ON THE PETITION OF NATHANIEL SHAW AND OTHERS, AUTHORIZING THE GOVERNOR AND COUNCIL TO RAISE A COMPANY OF ARTILLERY IN THE 2D REGIMENT, 1ST BRIGADE AND 1ST DIVISION OF THE MILITIA.

On the petition of Nathl. Shaw & others, praying for liberty to raise a Company of Artillery in the second Regt. first Brigade, & first Division of Militia in this Commonwealth.

Resolved, That his Honr. the Lieut. Governor, by and with the advice of Council, be and he is hereby authorized and empowered to raise a Company of Artillery in the second Regt. first Brigade & first Division of the Militia of this Commonwealth, which company when raised & organized, is to be annexed to the aforesaid first Brigade, & subject to such rules & regulations as are or may be prescribed by Law, for regulateing the Militia of this Commonwealth. *Provided however* — That no one of the standing Companies in said Regt. shall be reduced thereby to a less number than the Law requires.

February 25, 1800.

Chapter 126.

RESOLVE FOR PROVIDING A PERSON TO ATTEND AT THE NEW
STATE HOUSE.

Resolved, that the Secretary and Treasurer of the Commonwealth, be, and they are hereby Authorised to agree with one of the Persons, that they may employ as a Night Watch to guard the State House; pursuant to a Resolution passed February 22d 1798, to attend every day at the State House, for the better security of the same; until the further order of the General Court, and the Compensation for said attendance, shall be made in the same way and manner, as is provided in the Resolve aforesaid.

February 25, 1800.

Chapter 127.

RESOLVE ON THE PETITION OF SAMUEL FOXCRAFT AND OTHERS,
HEIRS TO THE ESTATE OF THOMAS DANFORTH, ESQ., DE-
CEASED.

On the petition of Samuel Foxcraft and others heirs to the estate of Thomas Danforth Esqr. decd. setting fourth that the governor and company of Massachusetts bay on the sixth day of May in the year of our Lord 1685 did grant and confirm to the said Thomas Danforth and Samuel Nowell Esq. an Island called Chabisco dego in Casco bay, in consideration of Services performed by them by order of Court, which was the only consideration they received therefor, — that afterwards tho' not then known it was found, and by a legal decision has been long since settled, that before the grant was made, the right and title to the said Island had been vested in other persons, by which means the grantees wholly lost the consideration for their said services the government intended them — That neither they, or either of them, or their heirs and assigns, have to this day received any equivalent therefor, and therefore praying for compensation.

Resolved That there be and hereby is granted to the heirs and assigns of the said Thomas Danforth (surviver of the original grantees) a tract of land equal to half a Township of six miles square, to be laid out in such part of the unappropriated lands of this Common Wealth as the Committee for the sale of Eastern lands shall direct, as an equivalent and full compensation for the said Island,

the Lands lately purchased by this Common Wealth of the Indians, situated near Penobscot River excepted — Reserving three lots of one hundred & sixty Acres each for the following uses — Vizt. one for the first settled minister, his heirs or Assigns one for the use of the ministry and one for the use of Schools — And on condition that the said heirs and Assigns shall settle ten families in said Township within six years. *February 25, 1800.*

Chapter 128.

RESOLVE DIRECTING THE TREASURER TO CREDIT RICHARD DEVENS, ESQ., LATE COMMISSARY-GENERAL, WITH A SMALL BALANCE DUE FROM HIM.

Resolved that the Treasurer of this Commonwealth, be, and he hereby is authorized and Directed to Credit Richard Devens Esqr. Late Commissary general the sum of thirty four Dollars and thirty three cents which sum he stands charged with in the Books of the said Treasurer.

February 26, 1800.

Chapter 129.

RESOLVE ESTABLISHING LISTS OF TAXES WHERE CERTAIN DEFECTS HAVE INADVERTENTLY OCCURRED.

Whereas the Assessors of public Taxes, in several instances have not set down in perpendicular columns, in the Lists of Taxes by them committed to the Collectors or Constables, the sums which they assessed upon the Polls, Estates and Income of the persons therein named, and have omitted in said lists to write the words Polls, Real Estate, Personal Estate & Income, against such sums respectively :

Resolved That in all such cases the same Assessments and Lists being in all other respects conformable to law shall be and hereby are established and confirmed — the aforesaid omission or defect in the form of such lists committed to Collectors or Constables notwithstanding.

February 26, 1800.

Chapter 130.

RESOLVE ON THE PETITION OF OSGOOD CARLETON. GRANT TO.

On the Petition of Osgood Carleton, praying That a sum may be granted him for his present relief on account of

the services he has rendered and is now engaged in rendering this Commonwealth in compiling a map thereof.

Resolved, That there be allowed and paid from the Treasury of this Commonwealth to the said Osgood Carleton, the sum of three Hundred Dollars on account of his services as aforesaid, he to be accountable therefor in manner as the General Court shall hereafter direct.

February 27, 1800.

Chapter 131.

RESOLVE ON THE PETITION OF BENJAMIN MERRICK OF BRIMFIELD.

On the Petition of Benjamin Merrick of Brimfield in the County of Hampshire, praying for liberty to review a certain action commenced against him by Henry Hooker of Sturbridge in the County of Worcester in which Judgment was rendered against the said Benjamin and upon his default at March Term in the Year of our Lord one thousand seven hundred and eighty six by the Court of Common Pleas for the same County, for eleven pounds & sixteen shillings damages & two pounds four shillings and eight pence costs of suit — & on which Judgment the said Henry has brought an action of Debt against the said Benjamin and which is now pending in the Court of Common Pleas for the said County of Worcester.

Resolved for reasons set forth in said Petition that the said Benjamin be and he hereby is authorized to review the said first mentioned action, by re-entering the same at the next Court of Common Pleas to be holden at Worcester within and for the said County of Worcester on the Monday next preceding the fourth Tuesday of March next — and to make such defence therein as he might originally have made in the same Action — *Provided however* that the said Benjamin cause the said Henry to be served with an attested Copy of this Resolve fourteen days at least previous to the said day of holding the same Court.

February 27, 1800.

Chapter 132.

RESOLVE ON THE PETITION OF BENJAMIN HALL, JUN. EXECUTOR TO EUNICE FITCH'S WILL.

On the Petition of Benjamin Hall junior, Executor of the last Will and Testament of Eunice Fitch late of Salem

in the County of Essex deceased, Ezekiel Hearsey Derby, Andrew Hall, John B. Fitch and Charles Harrison Fitch, stating that the aforesaid Will of the said Eunice was proved before and approved by the Judge of Probate of Wills &c. for the County of Essex, and that the said Charles Harrison appealed from the decree of the said Judge to the Supreme Court of Probate holden at Salem within and for the County of Essex on the second Tuesday of November last, and duly ent[e]red his Appeal in said Court, and that the same Appeal, by the consent of the parties, was by the Court ordered to be continued to the next Term thereof to be holden in & for said County, unless before that time, to wit, at the Term of said Court to be holden at Boston within and for the County of Suffolk on the third Tuesday of February in the year of our Lord eighteen hundred, the same Court should determine and render judgment thereon, but the Clerk of said Court through the hurry of business omitted to record the aforesaid special order of said Court, so that by the said Clerks Docket the aforesaid Appeal appears to stand continued generally to the next Term of said Court to be holden in and for said County of Essex; and praying that the said Supreme Court of Probate, at the session thereof now holding in Boston aforesaid, may be empowered to proceed and render judgment on the Appeal aforesaid, in the same manner as if it had been continued according to the aforesaid agreement of the parties and order of Court.

Resolved, That the said Supreme Court of Probate may, and they are hereby authorized and empowered, at the term of said Court begun and holden at Boston within and for the County of Suffolk on the third Tuesday of February current, to proceed upon, hear, determine, and render judgment on said Appeal in the same manner as they by Law might have done, in case the same had been continued conditionally, according to the Agreement of the parties and special order of Court aforementioned.

February 27, 1800.

Chapter 133.

RESOLVE ON THE PETITION OF DAVID WELSH AND OTHERS, APPOINTING ICHABOD GOODWIN, ESQ. AN AGENT FOR THE PURPOSES MENTIONED.

On the petition of David Welsh, Solomon Littlefield, and Abraham Morrison, setting forth that each of them

purchased a lot of land of the Commonwealth, being a gore of land lying between the towns of Shapleigh and Sandford, which is bounded by different courses, than those expressed in their Deeds; and for other reasons set forth in said petition.

Resolved that the prayer of the petitioners be so far granted, as that Ichabod Goodwin Esquire be and hereby is appointed an Agent in behalf of this Commonwealth to run out to the several petitioners the quantity of land expressed in their respective Deeds, — and the said Agent is empowered & directed to make & execute in behalf of this Commonwealth new Deeds to the said David Solomon & Abraham at their expence taking from them such releases to the Commonwealth as shall be necessary to avoid any future interference of claims. And in consideration of the expence occasioned to the petitioners,

It is further Resolved that the surplusage of land be & is hereby granted to them, provided it does not exceed ten Acres.

And it is further Resolved that the said Agent is further authorised & directed to survey a small tract of land, lying partly in the town of Sanford & partly in the District of Alfred containing about Fifty Acres more or less, & sell & convey the same in behalf of this Commonwealth to Joseph Chaney, or to any other person who will give the most for the same, and make return of his doings at the next Session of the General Court. *February 27, 1800.*

Chapter 134.

RESOLVE GRANTING ONE HUNDRED AND TWENTY FOUR DOLLARS TO EDWARD P. HAYMAN.

Resolved, that there be allowed and paid out of the public Treasury of this Commonwealth to Edward P. Hayman, Assistant Clerk of the Senate, the sum of one hundred and twenty four dollars, in full for his services the present session of the General Court.

February 28, 1800.

Chapter 135.

RESOLVE ON THE PETITION OF POLLY ADAMS.

On the Petition of Polly Adams of Westborough in the County of Worcester stating that on the twenty second day of August last she was convicted before Peter Penni-

man Esq. one of the Justices of the Peace within and for the said County of Worcester of stealing a small sum of money from one Ephraim Hayward and sentenced to pay a fine of one dollar & costs of Prosecution, from which Judgment she claimed an appeal to the Court of General Sessions of the Peace then next to be holden in the same County — but from an unfortunate circumstance that she did not recognize to prosecute the same as by law she ought to have done — and praying that she may be permitted to enter the said appeal at the next term of said Court of General Sessions of the Peace.

Resolved for reasons set forth in said Petition that the said Polly Adams be & she hereby is authorized to enter and prosecute her said appeal at the next Court of General Sessions of the Peace to be holden at Worcester within and for the said County of Worcester on the Monday next preceding the fourth Tuesday of March next — she the said Polly Adams at any time previous to the said time of holding the same Court entering into a Recognizance with sufficient surety or sureties, before the said Peter Penniman Esqr. for the prosecution of the same with effect — and also causing the said Ephraim Hayward to be served with an attested Copy of this Resolve fourteen days at least previous to the Monday next preceding the fourth Tuesday of March aforesd. and the said Justice is hereby authorized and required to take such recognizance — and the same shall have the same force & effect as if it had been taken at the time the said appeal was claimed.

February 28, 1800.

Chapter 135A.*

ORDER ON THE PETITION OF THE AMERICAN ACADEMY OF ARTS AND SCIENCES.

On the Petition of a Committee of the American Academy of Arts and Sciences, praying for liberty to deposit the Library of that Society in a room in the State House.

Ordered, that the prayer of said Petition be so far granted, that the said Society have liberty to deposit the Library of that Society in the northwest corner room of State House on the lower floor, adjoining the Secretary's Office. And they may, and hereby are permitted to use and occupy the same room till further order of the General Court.

February 28, 1800.

* Not printed in previous editions.

Chapter 136.

RESOLVE ON THE PETITION OF WILLIAM FROBISHER.

The Committee of both Houses appointed to consider applications for new trials, to whom was committed the petition of William Frobisher, report a reference of the same to the next General Court.

EBENEZER MARCH, *pr. Order.**March 1, 1800.***Chapter 137.**

RESOLVE DESIRING THE COMMANDER IN CHIEF TO SUSPEND ANY FURTHER EXPENDITURES OF MONEY UNDER RESOLVES OF JUNE 20 AND 27, 1798, UNTIL FURTHER ORDER.

Resolved that the Commander in Chief be and hereby is desired to Suspend any further expenditures of money by virtue of a Resolve of the General Court passed June 20 1798 and another Resolve passed June 27 1798 untill the further Order of the Legislature. *March 1, 1800.*

Chapter 138.

RESOLVE ON THE REPRESENTATION OF AMASA DAVIS, ESQ.
ALLOWING HIS ACCOUNTS, ETC.

On the representations of Amasa Davis Esqr. Quarter Master General.

Resolved, That the said Amasa Davis be and he hereby is discharged from the Sum of Twenty nine Thousand, Six hundred and five Dollars being the amount of four warrants drawn in his favour on the Treasurer of this Commonwealth in the year 1799 and 1800 — also of One hundred eighty five Dollars reciev'd. of Lewis Hayt, also fifty three Dollars & fifty Cents of Robert Gardner, also Two hundred dollars of John Buttrick for forty fire arms, amounting in the whole to Thirty Thousand, & seventy three Dollars and fifty Cents — and that there be allowed and paid out of the Treasury of this Commonwealth to the said Amasa Davis the Sum of Eight Thousand Dollars, for defraying the charges and expenditures in the Quarter Master's department the current year he to be accountable therefor — and also the further Sum of three hundred and forty Dollars and five Cents for the

Ballance of his accounts, including his Services, Office rent & Clerks wages and in full thereof from January 17th 1799 to January 17th 1800 inclusively.

Be it further Resolved, That his Honor the Lieutenant Governor, be and he is hereby requested to take all proper measures for securing the Property of the Commonwealth now in the Fort at Nantasket.

Be it further resolved, That his Honor the Lt. Governor be and he is hereby requested to procure an estimate to be made of all ordnance and military Stores, belonging to this Commonwealth which have been delivered upon the orders of the President of the United States, and not heretofore estimated, and to take such measures as he shall judge proper, when such estimate shall have been made to obtain Payment, of the amount of such estimate, from the United States.

Be it further Resolved, That Captn. John Burbeck be retained in the Service of the Commonwealth, until the further Orders of the General Court. *March 1, 1800.*

Chapter 139.

RESOLVE ON THE PETITION OF ABIJAH UPHAM, AUTHORIZING JOSEPH BEMIS TO TAKE THE CHARGE OF THE PUNKAPOAG TRIBE OF INDIANS WITHIN THE TOWNS OF STOUGHTON AND CANTON.

Whereas Jabez Talbut by a Resolve passed Feby. 14th A Dom. 1798 was appointed Guardian to the Punkapoag Tribe of Indians within Towns of Stoughton and Canton, and has declined the acceptance of said Trust:

Resolved, That Joseph Bemis be and he hereby is appointed Guardian to said Tribe of Indians, and is hereby vested with all the powers, and required to observe all the directions, which were vested in, and required of the said Talbut by the resolve aforesaid. *March 1, 1800.*

Chapter 140.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF SUFFOLK AND GRANTING A TAX.

Whereas the Treasurer of the County of Suffolk, has laid his Accounts before the General Court, in manner prescribed by law, which Accounts are hereby Allowed: And Whereas the Clerk of General Sessions of the Peace,

for said County, has laid before the General Court an estimate, made by the Court of General Sessions of the Peace for said County, of the necessary charges likely to arise within said County the present year, Amounting to ten Thousand Dollars :

Resolved, that the sum of ten Thousand Dollars be, and hereby is granted as a Tax for said County of Suffolk, to be appropriated, Assessed, Collected and applied in Manner as the law directs.

March 1, 1800.

Chapter 141.

RESOLVE MAKING A GRANT TO THE JUSTICES OF THE SUPREME JUDICIAL COURT.

Whereas the Salaries established by Law for the Justices of the Supreme Judicial Court, are insufficient for their honourable support, at the present time :

Resolved that for the Current yeare Commencing from the First day of January Last, there shall be allowed to each of the Justices of the Supreme Judicial Cou[r]t at the rate of Five Hundred Dollars in addition to his present Salary, as by Law established and payable therewith.

March 1, 1800.

Chapter 142.

RESOLVE ON THE PETITION OF JONATHAN YOUNG, JUN'R. GRANTING HIM AN ANNUAL ALLOWANCE ON ACCOUNT OF HIS WOUNDS, WITH A PROVISIO.

On the Petition of Jonathan Young Junr. of York in the County of York yeoman, a Soldier in the Company of Artillery in said County commanded by Captn. Jeremiah Clark, praying for relief on account of Wounds he received Octr. 18th 1797 while on duty in said Company.

Resolved that there be paid out of the Treasury of this Commonwealth annually to said Young during his natural Life Twenty Dollars, on account of the wounds he received as aforesaid — *Provided however* That if the Government of the United States shall hereafter make any provision by which the said Young may obtain relief by pension or otherwise on account of his disability by his wounds received as aforesaid then the payment of the said Sum is to cease.

March 1, 1800.

Chapter 143.

ORDER ON THE STATEMENT OF EPHRAIM WILLIAMS.

On the statement made by Ephraim Williams, Esq. respecting certain accounts allowed by the Committee of both Houses appointed to pass on Public Accounts, to William Towner, Esq. and to the town of Williamstown, which allowance is supposed to have been obtained in consequence of false and fraudulent certificates accompanying said accounts.

Ordered, That the Secretary of this Commonwealth cause a copy of the statement made by Ephraim Williams, Esq. as aforesaid, together with a copy of this order thereon, to be transmitted to the Sheriff of the County of Berkshire, and said Sheriff is hereby directed to notify the said William Towner, Esq. by serving him with an attested copy thereof, thirty days, at least, before the second Wednesday of the first session of the next General Court, in order that he may then appear before the House of Representatives, and shew cause, if any he have, why a prosecution on the part of the government should not be directed to be instituted against him for forgery or fraud, respecting the certificates aforesaid. — And also why constitutional measures should not be taken to remove said William Towner, Esq. from all civil and military offices which he now holds under the authority of this Commonwealth.

March 3, 1800.

Chapter 144.

RESOLVE MAKING A GRANT TO THE CHAPLAIN AND THE CLERKS OF THE TWO HOUSES OF THE GENERAL COURT.

Resolved that there be allowed and paid out of the Treasury of this Commonwealth to the Revd. Peter Thacher Chaplain of the two Houses of the Genl. Court Sixty Dollars, to Mr. Edward McLean Clerk of the Senate two hundred & Sixty Seven Dollars and to Henry Warren Esq. Clerk of the House of Representatives two hundred & Sixty Seven Dollars in full for their Services respectively, the present yeare and that the Treasurer be and he is hereby directed on receiving a Warrent therefor, to pay the Same out of the Same funds in the Same manner as the Members of the General court are paid for their Services the present session.

March 4, 1800.

Chapter 145.

RESOLVE ON THE PETITION OF EDWARD SNOW AND OTHERS,
AUTHORIZING THE COMMITTEE FOR THE SALE OF EASTERN
LANDS IN THIS CASE.

On the petition of Edward Snow & others praying for liberty to purchase One hundred acres of Land each, in the Township No. 2, in the first range, North of the Waldo Claim, to be so laid out, as shall best include their several improvements.

Resolved that the Committee for the sale of Eastern Lands be and they are hereby authorised & directed, to cause to be surveyed and laid out, and to sell & convey One hundred acres of Land, to each settler in said township No. 2, so as best to include his improvements, who actually settled on his lot, before the twenty third day of February One thousand seven hundred and ninety eight, and for whom provision is made by resolve of that date, for such consideration, & upon such terms & conditions as the said Committee shall direct.

March 4, 1800.

Chapter 146.

RESOLVE ON THE PETITION OF REUBEN BLAKE, DIRECTING
HIM TO PAY THE TREASURER A CERTAIN BALANCE.

On the Petition of Reuben Blake Administrator on the Estate of the Late Amariah Blake Collector of Milton Decd. Praying that he may be Abated the Sum of Thirty one Pounds four Shillings & 5 d. which Now Appears to be due from Sd. Blake on Tax No. five to be Paid in Army Notes.

Resolved for Reasons Set forth in Sd. Petition that the Prayer be so far Granted that *Providid* Sd. Administrator Pay into the Treasur[er][y] of this Commonwealth By the first of May Next Thirty four Dollars & Sixty Six Cents that the Treasurer Shall Receive the Sd. Sum in full Discharge of the Ballance which is now due on the Sd. Amariahs promissary Note given for Said Ballance & now in Possession of the Treasurer aforesaid.

March 4, 1800.

Chapter 147.

RESOLVE GRANTING THE COMMITTEE ON ACCOUNTS EXTRA PAY.

Resolved that there be paid out of the Public Treasury of this Commonwealth to the Committee appointed to examine and pass on accounts presented against the State, for their attendance on that service the present Session, the sums annexed to their respective names, in addition to their pay as members of the Legislature, viz. To Isaac Thompson for forty five days attendance, Twenty two Dollars & fifty cents, To Josiah Stearns for forty five days attendance, Twenty two Dollars & fifty cents, To Silas Holman for forty days attendance, Twenty Dollars, To James Taylor for thirty days attendance, Fifteen Dollars, To Samuel P. Russell, for thirty days attendance, fifteen Dollars, which sums shall be in full for their services as aforesaid.

March 4, 1800.

Chapter 148.

RESOLVE GRANTING TO THOMAS WALLCUT ONE HUNDRED AND SIX DOLLARS.

Resolved that there be allowed and paid out of the Public Treasury, to Thomas Wallcut one Hundred and Six Dollars in full for his Services as assistant Clerk of the House of Representatives the present session.

March 4, 1800.

Chapter 149.

RESOLVE ON THE PETITION OF TITUS AND SIMEON GOODMAN.

On the Petition of Titus Goodman and Simeon Goodman Executors of the last Will and Testament of Noah Goodman Esqr. late of South Hadley deceased praying for relief in a certain Action now pending in behalf of the Commonwealth, against them in their said capacity, in the Supreme Judicial Court holden at Boston within and for the County of Suffolk, which action is brought against the said Executors upon a certain Judgment recovered by the Commonwealth against the said Noah Goodman in his life time.

Resolved for reasons set forth in said Petition that no further proceedings be had in the action aforesaid, they

the said Executors paying to the Attorney General the costs already accrued in the said action, and also paying to the Treasurer of the Commonwealth the sum of six dollars for expence incurred & paid to Charles Phelps Esqr. appointed by the General Court an agent to enquire into the situation & circumstances of the estate of sd. Noah Goodman.

March 4, 1800.

Chapter 150.

RESOLVE ON THE PETITION OF DAVID GREENE.

Resolved That the Treasurer of this Common Wealth be & he is hereby authorised & directed to accept of the note of hand of David Greene Esqr. payable upon demand with Interest, for the aggregate amount of three notes of hand now in the Treasury signed by William Scollay, William Wetmore & John Peck, Vizt. One for \$1445.50 due 31st January 1797, One for \$1372 due 31 Jany. 1798, & one for \$1298.50 due 31 Jany. 1799 — And that the Committee for sale of Eastern Lands be & they are hereby authorized & directed to make & execute a deed of Township Number four — in the third range, North of the Waldo Patent to said David Greene his heirs & assigns, and to deliver the same to the Treasurer aforesaid, to be by him held as an escrow in behalf of this Common Wealth, to be delivered to said David Greene his heirs & assigns upon payment of said note & interest.

March 4, 1800.

Chapter 151.

RESOLVE ON THE PETITION OF TIMOTHY COBURN AND JOSEPH B. VARNUM.

On the petition of Timothy Coburn & Joseph B. Varnum — praying to be released from the forfeiture of a recognizance entered into by them before the Supreme Judicial Court in the County of Middlesex.

Resolved for reasons set forth in the said petition, that upon the said Coburn & Varnum paying One thousand Dollars into the Public Treasury within One year from the date of this Resolve, the said Coburn & Varnum shall be discharged from the forfeiture of the recognizance aforesaid, and the Attorney General is hereby directed to stay his *scire facias* in the mean time.

March 4, 1800.

Chapter 152.

RESOLVE ON THE PETITION OF THE COMMITTEE FOR THE SALE OF EASTERN LANDS, DIRECTING THEM TO CONSIDER THE LANDS RELEASED BY ZABOD CURTIS AND OTHERS AS COMING WITHIN THE DESCRIPTION OF UNAPPROPRIATED LANDS.

Resolved That the Committee for the sale of Eastern Lands be directed to consider, the lands which are or may be released by Zabod Curtis, Nahum Trask & Stephen Jacobs by virtue of a resolution passed the present session, & all other Eastern Lands which may accrue to this Common Wealth in the same way & manner, as coming within the description of unappropriated Lands, & that said Committee have the like powers for the disposal of the same, as they have respecting the disposition of the other unappropriated lands of this Common Wealth.

March 4, 1800.

Chapter 153.

RESOLVE ON THE PETITION OF ISAAC POWERS, GUARDIAN TO THE CHILDREN OF BETHUEL HACK, LATE OF GREENWICH.

On the petition of Isaac Powers Guardian to the Children of Bethuel Hack late of Greenwich in the County of Hampshire Deceased, praying that Esther Hack Administratrix on said Bethuel Hack's Estate may be Authorized to make and execute a sufficient Deed of a peice of land lying in said Greenwich to Jabez Town.

Resolved for the reasons set forth in said Petition that the prayer thereof be granted and that said Esther Hack be, and she hereby is, authorized and empower'd to make and execute a good [*and sufficient*] Deed [of sufficient] to said Jabez Town of a peice of land lying in said Greenwich Containing about three acres Bounded Northerly by a County road Westerly by Elias Haskells land, Southerly and Easterly by Roland Blackmores land.

March 4, 1800.

Chapter 154.

RESOLVE ON THE LETTER FROM THE GOVERNOR OF THE STATE OF VERMONT, REQUESTING THE LIEUTENANT GOVERNOR TO TRANSMIT THE SAME, AS MENTIONED IN SAID RESOLVE.

Whereas the legislature, of the State of Vermont, on the 5th day of November last, passed two resolves, in the words following, viz.

"STATE OF VERMONT"
"IN GENERAL ASSEMBLY, WINDSOR, November 5th 1799."

"Resolved, that the senators and representatives of this State, in the congress of the United States, be, and they hereby are requested to use their best endeavors, that Congress propose to the legislatures of the several States the following amendment to the Constitution of the United States, to wit: that the Electors of President and Vice-president, in giving in their votes, shall respectively distinguish the person whom they desire to be president from the one they desire to be vice-president, by annexing the words, president, or vice-president, as the case may require to the proper name voted for — And the person having the greatest number of votes for vice-president, if such number be a majority of the whole number of Electors chosen shall be vice-president — And if there be no choice, and two or more persons shall have the highest number of votes and those equal, the Senate shall immediately chuse, by ballot, one of them for vice-president. And if no person have a majority, then, from the five highest on the list, the Senate shall, in like manner, chuse the vice-president. But, in chusing the vice-president, the votes shall be taken by States the senators from each State having one vote — A quorum for this purpose shall consist of a member or members from two thirds of the States; and a majority of all the States shall be necessary to a choice and in case the senators and representatives of this State in Congress shall find that the aforesaid amendment is not conformable to the sentiments of a constitutional majority of both branches of the national legislature, they are hereby requested, so to modify the same, as to meet the sentiments of such majority — *provided however*, that any amendment which may be agreed on, shall oblige the Electors to designate the person they desire to be president, from the one whom they desire may be vice-president."

"Resolved, that his Excellency the Governor be requested, forthwith to transmit the same to the Senators and representatives of this State in Congress — And also transmit the same to the Supreme Executives of the several States."

Which resolves have been communicated by the Supreme Executive of the State of Vermont to the Supreme Executive of this Commonwealth:

Resolved, That the legislature, of this Commonwealth have a high sense of the wisdom and patriotism, of the legislature of the State of Vermont and accord with them in the opinion, that it is expedient that the constitution of the United States be amended in the manner, contemplated, in the aforesaid resolves, of the legislature of the State of Vermont.

Resolved, further, that the Senators and representatives of this State, in the Congress of the United States, be, and they hereby are requested to adopt the necessary measures to effect the amendment aforesaid.

Resolved, further, that his honor the Lieutenant Governor, be, and he hereby is requested to communicate the foregoing resolves to the Supreme Executive, of the State of Vermont; and also to transmit copies thereof to the senators and representatives, of this Commonwealth, in the Congress of the United States. *March 4, 1800.*

Chapter 155.

ROLL NO. 42.

The Committee on Accounts, having examined the Accounts They now present: Report, That there are due to the Towns and Persons hereafter mentioned, the sums set to their names respectively, which (if allowed and paid) will be in full discharge of said Accounts to the dates therein mentioned.

ISAAC THOMSON, *pr. order.*

Pauper Accounts.

	Dolls. Cts.
To the Town of Attleborough, for bourding, cloathing, and doctoring, Hannah Jane, to Jany. 12th 1800; and Catharine (an Indian woman) to May 27th 1799,	111 88
To the Town of Ashby, for bourding, cloathing, docrg. & Nurssing Felix Tool, to Jany. 6th, 1800,	42 67
To the Town of Alford, for bourding & cloathing William Maxfield, to December 17th, 1799,	68 35
To the Town of Adams, for Supplies for Asa Smith and his family, while sick, and for bourding & Cloathing, Catharine (an Indian) including Doctr's bills, to Jany. 12th, 1800,	213 85
To the Town of Boxborough, for bourding & Cloathing John Kenadey, to Jany. 3d, 1800,	48 16
To the Town of Brookfield, for boarding & cloathing Cato Kim and Luke Fenney, to Jany. 1st, 1800,	98 83
To the Town of Bridgewater, for Supplies & doctoring John Jess to his death, including his funeral expenses, .	24 23

	Dolls.	Cts.
To the Town of Billerica, for supplies for Michael Taylor, and bourding & cloathing Thomas Tarrant, to Jany. 1st, 1800,	65	16
To the Town of Bethlehem, for supplies for Richard Gardner & Phebe his wife, (negroes) including nurssing, to Jany. 9th, 1800	11	32
To the Town of Boxford, for supporting Mehitable Hall, to Jany. 2d, 1800,	27	0
To the Town of Barre, for bourding & Cloathing John Christian Dandrick, to Decr. 31st, 1799,	38	33
To the Town of Berwick, for bourding Ambrose Vickery, to Feby. 1st, 1800,	97	23
To the Town of Barnardston, for supplies and doctoring Oliver Gould and family, to September 20th, 1799,	27	68
To the Town of Blandford for boarding, cloathing, doctoring & nursing James Carter, to Jany. 8th, 1800,	64	9
To the Town of Belchertown, for bourding, cloathing, & nursing Betty Dimon, & Joseph King's family to Jany. 23d, 1800, including funeral charges for said King's wife,	84	50
To the Town of Beverly, for bourding, cloathing, doctoring and nursing Jane McComb & Morriss Nash, to Jany. 5th, 1800, and Matthias Claxton to Jany. 4th, 1800, and John Pond, to Decr. 29th, 1799, and John Martin, to his death, including funeral Expenses,	451	17
To the Town of Boston, for supporting sundry paupers from May 31st, 1799, to Decr. 1st, 1799, including cloathing,	1790	83
To the Town of Chelmsford, for burying John McClining, & supporting his widow and one Child, to Jany. 8th, 1800,	26	13
To the Town of Cambridge, for bourding, cloathing, nurssing and doctoring Peggy Conden, to Jany. 18th, 1800, and John Pobeck, to his death, including funeral Expenses,	102	59
To the Town of Colrain, for bourding & cloathing Daniel McDugal, John Allen, William Osborn, William Wilson and Rachel Carr, including Doctr. Long's bill for doctoring Henery Rogers's family, to Jany. 1st, 1800,	236	28
To the Town of Conway, for boarding & cloathing John Atsatt, to Jany. 15th, 1800,	58	33
To the Town of Charlemont, for bourding & cloathing Abraham Bass, to Jany. 3d, 1800,	39	30
To the Town of Charlestown, for bonrding & doctoring Hugh Hoge and his wife, to Novr. 7th, 1799,	11	35
To the Town of Carlisle, for boarding, cloathing, & doctoring Robert Barber & Matthew Jemmerson, to Feby. 1st, 1800,	87	50
To William Coffin, for doctoring state paupers in Gloucester, to Jany. 10th, 1800,	168	33
To the Town of Concord, for boarding & doctoring William Shaw, to Jany. 3d, 1800,	37	55
To the Town of Danvers, for boarding, cloathing & doctoring John Woodman & Jerusha Bird, to Jany. 19th, 1800,	82	22
To the Town of Deerfield, for boarding, cloathing & doctoring Samuel Ray, to Feby. 1st, 1800,	62	71

	Dolls. Cts.
To the Town of Dover, for boarding & cloathing Partrick Cowen, to Feby. 17th, 1800,	58 68
To the Town of Dorchester, for boarding, cloathing, nursing & doctoring Mrs. Thornton, to Feby. 6th, 1800,	92 56
To the Town of Dedham, for house-rent and supplies for Eleanor Carr, to Jan'y. 1st, 1800,	37 33
To the Town of Dartmouth, for boarding & cloathing John Quannawil & Rachel Ceaser, to Jan'y. 1st, 1800,	149 63
To the Town of Durham, for boarding, cloathing, doctoring & nursing John Johnson's family, to Jan'y. 1st, 1800 including funeral expences, for said Johnson,	154 8
To the Plantation of Duck trap, for boarding, cloathing, nursing & doctoring Isabella Woodbury, to Jan'y. 11th, 1800,	147 70
To the Town of East-Hampton, for boarding, cloathing, nursing & doctoring Rebecca Gardner, to Jan'y. 10th, 1800,	47 81
To the Town of Eastown, for boarding, cloathing, nursing, doctoring & burying Margaret Morrel (a negro)	25 40
To the Town of Egremont, for boarding & cloathing the Widow Daley and three children, to Jan'y. 11th, 1800,	248 0
To the Town of Edgecomb, for boarding, nursing & doctoring Samuel Holder, to May 23d, 1799,	100 0
To Constant Freeman, Keeper of the Alms-house in Boston, to Deer. 1st, 1799,	139 50
To the Town of Foxborough, for boarding & cloathing Anne Pettee, from Jan'y. 27th, 1799, to July 6th, 1799,	54 45
To the Town of Framingham, for boarding & cloathing Bennet Foster's son & Betsey Stephens & child, to Feby. 3d, 1800,	46 59
To the Town of Freetown, for boarding & cloathing Francis Brow, to Feby. 14th, 1800,	102 4
To the Town of Gloucester for boarding, cloathing nursing & doctoring sundry paupers to Novr. 10th, 1799,	860 61
To the Town of Groton, for boarding, & cloathing John C. Wright, & John W. Bentrrott and wife, & Edward McLane, to Jan'y. 10th, 1800,	201 80
To the Town of Great-Barrington, for boarding, cloathing & nursing Isaac Hoose, Catherine Hoose, Mary Hoose Candee & child, and Tom, (a Negro) to Jan'y. 7th, 1800,	220 7
To the Town of Grafton, for Supporting John Knox, to May 22d, 1799, and removing him and family out of the Commonwealth,	17 72
To the Town of Georgetown for boarding, cloathing and nursing Nicholas Handbery, to Jan'y. 19th, 1800, and John Lyons to his death, including funeral expences,	129 70
To the Town of Greenfield, for boarding, cloathing, nursing & doctoring John Battis and Eunice Converse, to Jan'y. 1st, 1800,	84 87
To the Town of Granvell, for boarding & cloathing Thomas Williams and his wife, to Jan'y. 17th, 1800,	100 0
To the Town of Granby for boarding & cloathing Ebenr. Darwin & John Murry, to Jan'y. 13th, 1800,	85 23
To James Goss, for doctoring state paupers in Gloucester, to Novr. 28th, 1799,	37 37
To Thomas Hinkley, for boarding & cloathing Rachel Comings to Jan'y. 1st, 1800,	130 0

	Dolls.	Cts.
To the Town of Hallowell, for boarding, & cloathing George Frost (a foundling child) to Jany. 1st, 1800, . . .	39	39
To the Town of Hawley, for boarding & cloathing Thomas Oaks, to Jany. 1st, 1800, . . .	74	76
To Nathan Heard, keeper of the Prison in Worcester, for dieting Elisha Hayes to July 30th, 1799, . . .	13	35
To the Town of Hadley, for supporting Francis Farmer, to Jany. 1st, 1800, . . .	95	33
To Joseph Hodgskins, Keeper of the House of Correction in Ipswich, in the County of Essex, for dieting & cloathing sundry paupers, to Jany. 18th, 1800, . . .	315	69
To the Town of Hopkinton, for boarding James Roach, to Feby. 1st, 1800, . . .	57	20
To the Town of Hardwick for boarding, cloathing & doctoring David Chamberlain & John Veal, to Decr. 28th, 1799, . . .	178	31
To Walter Hunnewell, for doctoring William Blaver & William Berry, to April, 1799, . . .	35	63
To the Town of Littleton, for supporting Richard Crouch, to Jany. 6th, 1800, . . .	24	10
To the Town of Leicester, for boarding & cloathing Noble Spencer (a Negro boy) to Jany. 13th, 1800, . . .	33	80
To the Town of Leyden, for supplies for Jedediah Fuller & family, including doctoring to Jany. 2d, 1800, . . .	26	22
To the Town of Lincoln, for boarding & cloathing Thomas Pocock, to Feby. 1st, 1800, . . .	53	84
To the Town of Lenox for boarding, cloathing, nursing & doctoring Christian Crow, John How, Abraham Palmer, his wife & three children, to Jany. 21st, 1800, . . .	227	68
To the Town of Lunenburg, for boarding & cloathing John Kelley, to Jany. 16th, 1800, . . .	71	14
To the Town of Milton, for supplies for Thomas Webster, to Jany. 27th, 1800, . . .	55	55
To the Town of Marlborough for supplies for Joseph Waters, including cloathing to Jany. 1st, 1800, . . .	100	0
To Doctr. Joseph Manning, for doctoring sundry paupers in the House of Correction in Ipswich, to Novr. 29th, 1799, . . .	50	8
To the Town of Mendon, for boarding, & cloathing Salley Brown & her two Children, to Jany. 3d, 1800, and John Hunt to April 15th, 1799, . . .	62	75
To the Town of Milford, for boarding, cloathing & doctoring Ebeur. Torry to Jany. 11th, 1800, . . .	19	8
To the Town of Medway, for boarding, cloathing, nursing & doctoring Henry McMannis to Decr. 30th, 1799, . . .	40	92
To the Town of Methuen for boarding & cloathing Thomas Pace, to Jany. 1st, 1800, . . .	40	88
To the Town of Mansfield, for boarding, nursing & doctoring John Delaney to June 4th, 1799, and Elizabeth Roberson, to her death, including funeral expences, . . .	141	58
To the Town of New-Marlborough, for boarding, cloathing, nursing & doctoring Jerusha Price and Jerusha her child, to Jany. 6th, 1800, and John Christia to his death, including funeral expences, . . .	74	28
To the Town of Northampton, for boarding, cloathing doctoring & nursing Samuel Green, Nancy McMullen, John Ellis & Prudence Davis, to Jany. 25th, 1800, and Michael Meads, to his death, including funeral expences, . . .	144	73

	Dolls. Cts.
To the Town of Nantucket, for boarding, cloathing, nursing & doctoring Tippto (a Blackman) and sending him to Cape de Verd Islands,	85 10
To the Town of Needham, for boarding and burying Nancy Green, alias, Ann Sample,	7 0
To the Town of Norton, for boarding, cloathing, nursing & doctoring Joseph Pratt, & Pero (a Negro) to Feby. 1st, 1800,	165 95
To the Town of Newbury, for boarding, cloathing, nursing & doctoring sundry paupers to Jan'y. 1st, 1800,	607 30
To the Town of New-Salem, for supporting three children of Jesse Bedient, to Decr. 28th, 1799,	56 51
To the Town of North-Yarmouth, for boarding & cloathing William Elwell, to Jan'y. 20th, 1800,	157 0
To the Town of Newbury-Port, for boarding, cloathing, doctoring and nursing sundry state paupers, to Jan'y. 1st, 1800, including funeral expenses,	1784 53
To the Town of Oxford, for boarding, cloathing, & doctoring Catharine Jordon to Jan'y. 1st, 1800,	65 25
To the Town of Palmer, for boarding, cloathing & doctoring William Mendem to Jan'y. 4th, 1800,	69 22
To the Town of Partridgefield, for boarding, & cloathing Mary Lace, from Feby. 16th, 1795, to Feby. 16th, 1796, by special order of the two branches of the Legislature,	57 78
To the Town of Plymouth, for boarding, cloathing and nursing Nathaniel Thomas, to Jan'y. 20th, 1800, and for supplies for Silvia Lumberd & six children, to October 19th, 1799, & money paid for moving said family to New-Hampshire,	144 77
To the Town of Pembroke, for boarding, cloathing & doctoring John Monder, to Jan'y. 1st, 1800,	74 37
To the Town of Pittsfield, for boarding & cloathing Molly Welsh, to Jan'y. 1st, 1800,	54 95
To the Town of Reading, for boarding & cloathing Samuel Bancroft, to Jan'y. 25th, 1800,	86 97
To the Town of Royalston, for boarding & cloathing Joshua Capron, to Jan'y. 6th, 1800,	31 50
To the Town of Rehoboth, for boarding & cloathing Anna Curroll, to Jan'y. 1st, 1800, and Catharine (an Indian) to August 23d, 1798,	67 53
To the Town of Roxbury, for boarding, cloathing, nursing & doctoring sundry paupers to Jan'y. 1st, 1800,	553 50
To the Town of Sandersfield, for boarding & doctoring Sarah Price, to Decr. 16th, 1799,	19 69
To Doctr. Shelden, for doctoring London Wallace (in Williamstown) from Novr. 12th, 1798, to March 27th, 1799,	3 75
To the Town of Salisbury, for boarding & cloathing Nance Minor, to Jan'y. 1st, 1800,	32 54
To the Town of Stoneham, for supplies for William Barlow, to Jan'y. 27th, 1800,	14 0
To the Town of Swanzev, for boarding, cloathing nursing & doctoring Fenner Pierce (a Negro woman) Ester Church (an Indian woman) and four illegitimate children born of Sally Robbins, to Decr. 27th, 1799,	139 65
To the Town of Scituate, for boarding & cloathing Elizabeth Breeding and Mary Corlew, to Feby. 3d, 1800,	88 32

	Dolls. Cts.
To the Town of Southwick for boarding, cloathing & doctoring George Reed, to Jany. 1st, 1800,	73 62
To the Town of Scarboro[u]gh, for supplies for John Johnson, to Jany. 6th, 1800,	12 28
To the Town of Sturbridge, for boarding, nursing and doctoring Thomas Adams, to the time he was removed out of the State, James Shannon & George Briggs, to the time of their deaths, including funeral expences,	75 12
To the Town of Stockbridge, for boarding, cloathing, nursing & doctoring Henery Cole, William Ryon, Samuel Haney, Heman Taylor, Samuel Rothbon, Joseph Grant & Sarah Hasford, to Decr. 3d, 1799,	254 44
To the Town of Salem for boarding, cloathing, nursing & doctoring, sundry paupers to Jany. 6th, 1800,	1092 60
To the Town of Tyringham for supporting Ralph Way, to Jany. 1st, 1800,	52 0
To the Town of Tukesbury for boarding, cloathing, doctoring, and nursing John How to his death, including funeral expences,	101 15
To the Town of Uxbridge, for boarding & cloathing Betty Trifle and David Mitchel, to Jany. 6th, 1800,	79 30
To the Town of Westfield, for boarding, cloathing, nursing and doctoring William Davis to Jany. 1st, 1800,	72 14
To the Town of Woolwich, for boarding & cloathing Joshua Fullar to Jany. 1st, 1800,	64 63
To the Town of West-Springfield, for boarding & cloathing Lucy Kent, William Bell, and Anne Pettee, wife of Thomas Pettee, to Decr. 31st, 1799,	75 30
To the Town of Washington, for boarding & cloathing Phebe Clark, to Jany. 20th, 1800,	78 26
To the Town of Waymouth, for boarding & nursing Thomas Wallice, to Jany. 16th, 1800,	62 0
To the Town of Worcester, for boarding, cloathing, doctoring & nursing Peter Willard, Thomas Mien & Thomas Robbins, to Jany. 1st, 1800,	101 55
To the Town of Westborough, for boarding, cloathing & nursing John Scudemore, to Feby. 4th, 1800,	98 9
To the Town of Woburn, for boarding & cloathing Thomas Hardman, to Jany. 17th, 1800,	76 50
To the Town of Walpole, for boarding & cloathing Sally Davis to Jany. 1st, 1800, & Partrick Hancock, to Jany. 6th, 1800,	132 9
To the Town of Weston, for boarding, cloathing, nursing, & doctoring Nancy McMahan, to Feby. 17th, 1800,	90 57
To the Town of Williamston, for boarding, nursing & burying London Wallace,	32 50
To the Town of West-Stockbridge, for boarding, cloathing, nursing & doctoring Jane Clark & John Rowley, to Jany. 8th, 1800,	27 42
To the Town of Western, for boarding & nursing & doctoring William Johnson and Nancy his wife, to Decr. 31st, 1799,	79 98
To the Town of Wrentham for boarding, cloathing, nursing & doctoring Betsey Taylor, Peggy Taylor & John Harcoat, to Jany. 1st, 1800,	180 32

	Dolls.	Cts.
To the Town of Watertown, for boarding, nursing & Doctoring Ruth Robbins, and supplies for William Berry, to Feby. 17th, 1800,	46	23
To the Town of Westford, for boarding, nursing & doctoring Meriam Nichols to Jany. 21st, 1800,	34	70
To Joseph H. White, for doctoring sundry state paupers in Glouster, to Novr. 10th, 1799,	163	81
To the Town of York, for boarding, cloathing & doctoring William Kearswell, Sarah Kearswell, Elizabeth Perkins, Mary Crocker and Abigail Chapple, to Jany. 1st, 1800,	179	85
	17128	63

Militia Accounts. — Brigade Majors.

	Dolls.	Cts.
To James Ayer, for services, to Novr. 1799,	57	80
To Medad Dickinson, for services, to Jany., 1800,	30	79
To Stephen Dewey, for services, to Jany., 1800,	50	85
To William Fisk, for services, to April 30th, 1799,	9	65
To Samuel Howard, for services, to Decr. 28th, 1799, viz. new $\frac{1}{2}$ 136 16 — old $\frac{1}{2}$ 5 84,	142	0
To William Hinkley, for services, to Decr. 25th, 1799,	48	4
To William Jackson, for services, to Decr. 3d, 1799,	51	87
To Sylvester Osburn, for services, to Jany. 19th, 1800,	77	87
To Jacob Mann, for services, to Jany., 1800,	97	39
To William Sever, for services, to Jany., 1800,	98	67
To Seth Tinkham, for services to Jany., 1800,	63	87
To Samuel M. Thayer, for services, to Jany. 5th, 1800,	77	42
To Samson Woods, for services, to Jany. 30th, 1800,	54	80
To William Jefferds, for services, to Novr. 13th, 1799,	94	40

Adjutants.

To Micah Adams, for services, to Jany. 8th, 1800,	7	9
To John Adams, for services, to Jany. 18th, 1800,	19	5
To Joseph Billing, for services, to Feby. 24th, 1800,	66	17
To William Bridge, for services, to Feby. 7th, 1800,	52	15
To William Bull, for services, to Jany. 6th, 1800,	14	38
To Abner Burt, for services, to Jany., 1800,	7	75
To Matthias Blossom, for services, to Jany., 28th, 1800,	24	67
To Joseph Brigham, for services, to Feby. 1st, 1800,	51	87
To Benjamin Blanchard, for services, to Feby., 1800,	26	25
To Oliver Beldin, for services, to Jany., 1800,	8	38
To Daniel Carpenter, for services, to Jany. 1st, 1800,	10	98
To Elihu Cutlar, for services, to Jany. 20th, 1800,	16	22
To Joel Demming, for services, to Jany. 6th, 1800,	9	90
To Russell Dewey, for services, to Octr. 4th, 1799,	16	73
To Walter Dickinson, for services, to Jany. 27th, 1800,	16	59
To Daniel Forbes, for services, to Sept., 1799,	7	37
To Abraham Fullar, for services, to Jany. 7th, 1800,	16	37
To John Fudger, for services, to Feby 3d, 1800,	14	13
To Joseph Farley, for services, to Novr., 1799,	25	8
To William Gould, for services, to Jany., 1800,	53	93
To Jacob Haskell, for services, to Jany., 1800,	10	3
To Abner Harmond, for services, Novr., 1799,	9	58
To Ebenezer Heath, for services, to Jany. 7th, 1800,	50	1
To Timothy Hopkins, for services, to Jan. 28, 1800,	23	35

	Dolls.	Cts.
To Cyrus Keith, for services, to Jany. 4th, 1800, . . .	36	11
To Stephen Low, for services, to Octr. 19th, 1799, . . .	11	11
To Isaac Lane, for services, to Feby. 4th, 1800, . . .	17	70
To Nathaniel Libbey, for services, to Decr., 1799, . . .	21	58
To Seth Lincoln, for services, to June 20th, 1799, . . .	4	97
To Isaac Maltby, for services, to Octr. 17th, 1799, . . .	12	66
To Esaias Prebble, for services, to Septr. 16th, 1799, . . .	11	32
To David Payson, for services, to Jany. 2d, 1800, . . .	35	37
To Benjam. Poor, for services, to Jany. 14th, 1800, . . .	18	53
To Nehemiah A. Parker, for services, to Novr, 1799, . . .	16	76
To George Russell, for services, to Jany. 18th, 1800, . . .	50	51
To John Spooner, for services, to June 30th, 1799, . . .	18	37
To Nicholas Smith, for services, to Decr. 30th, 1799, . . .	24	0
To Daniel Sweet, for services, to Feby 3d, 1800, . . .	9	73
To Henery Swett, for services, to Octr. 14th, 1799, . . .	20	66
To William Stone, for services, to Novr., 1799, . . .	32	10
To George Stanly, for services, to Jany. 20th, 1800, . . .	25	68
To John Stoddard, for services, to Jany. 21st, 1800, . . .	12	31
To Nathaniel Shaw, for services, to Jany. 18th, 1800, . . .	17	28
To Samuel Satterlee, for services, to Novr., 1799, . . .	11	67
To Francis Stebbins, for services, to Octr., 1799, . . .	7	82
To Erastus Smith, for services, to Novr, 1799, . . .	29	40
To Timothy Spaulding, for services, to Jany. 15th, 1800, . . .	39	90
To Isaac Talbot, for services, to Decr. 2d, 1799, . . .	13	72
To John Tolman, for services, to Jany. 30th, 1800, . . .	17	16
To Joseph Vinton, for services, to Jany., 1800, . . .	13	53
To Cyrus Williams, for services, to Jany. 15th, 1800, . . .	5	70
To Daniel Ware, for services, to Jany., 1800, . . .	35	97
To Jonathan Wheeler, for services, to Octr. 19th, 1799, . . .	15	35
To Nathaniel Whithier, for services, to Jany. 27th, 1800, . . .	15	17
To Timothy Whiting, for services, to Feby., 1800, . . .	47	34
To Nathan Hayward, Aid de Camp, for his services, to Jany. 1st, 1800, . . .	49	27
To William Donnison, Adj. General, for his services, to Jany., 1800, . . .	633	33

For Horses to haul Artillery, &c.

To Benjamin Comie, to Octr., 1799, . . .	9	50
To William Crombie, Jur. to Jany., 1800, . . .	15	0
To Jesse Doggett, to Jany. 20th, 1800, . . .	15	0
To Robert Elwell, to Novr., 1799, . . .	12	0
To Noah Ford, to Jany., 1800, . . .	15	0
To Samuel B. Lyon, to Feby. 18th, 1800, . . .	4	90
To Ignatius Sargeant, to Jany., 1800, . . .	9	20
To Jonathan Town, to Decr., 1799, . . .	6	25
To David Sylvester, to Novr., 1798, . . .	12	0

Courts Martial and of Enquiry.

To a Court Martial whereof Colo. Bates was President, held in Taunton, Septr., 1799, . . .	75	28
To a Court of Enquiry whereof Colo. Boynton was Presi- dent. held at Chelmsford, July 16th, 1799, . . .	27	33
To a Court Martial whereof Colo. Thomas was President, held at Plymouth, in Decr. last, . . .	74	69

	Dolls. Cts.
To a Court of Enquiry whereof Capt. Adams was President, held in Chelmsford, in Sept., 1799,	12 71
To a Court of Enquiry whereof Capt. J. Bliss was Presidt.,	10 07
	<hr/> 3144 46

Miscellaneous Accounts.

	Dolls. Cts.
To Peleg Coffin, Esqr. for expences in the Treasury-Office, to Feby. 20th, 1800, including repairs of Provinc[e]-House, Oil for State-House Lamps, &c. &c.	176 32
To Thomas Davis, Esqr. Commissioner for the Resurv[e]y of the Waldo Patent, pursuant to a Resolve of Feby. 1798, in full of a balance due him, after deducting five hundred dollars, drawn by a Warrant from the Governor of March, 1799,	55 84
To Isaac Pierce, Messenger to the Governor & Council, for sundries supplied Secretary's-Office, Council, &c. after deducting two hundred dollars receivd. of the Treasurer by Resolve,	17 77½
To John Boyles for Stationary for Secretary's & Adjutant General's-Offices, to Feby. 4th, 1800,	168 88
To Ephraim Williams, Esqr. for his services in ascertaining facts respecting William Townners accounts, &c. arranging and making report, and for money advanced for expences, horse hire, and fees paid Justice for taking depositions,	21 33
To Jonathan Hastings, Post-Master, for postage to Decr. 31st, 1799,	19 23½
To Charles Phelps, for services, in collecting evidence, in the case of the Commonwealth vs the executors of Noah Goodwin, Esqr.	6 0
To Francis L. B. Goodwin, for his services taking care of the Indian Lands, &c. at Penobscot, to June 5th, 1799,	70 0
To Thomas Spear, for taking care of the Hospital Island to Feby. 14th, 1800,	44 43
To Joseph May, for sundry expenses of the procession to attend the Oration of the Hon. Fisher Ames in honour of the late General Washington, Feby. 8th, 1800,	137 45
To Joshua Holt, for boarding, cloathing & schooling Levi Konkepot, to Feby. 19th, 1800,	61 41
To Samuel Freeman, for a book for the records of the Supreme Court in the County of Cumberland,	7 0
To Ebenr. Larkin, for record books, &c. for the use of the Supreme Court in the Counties of Middlesex, Bristol, Norfolk, Kennebeck & Lincoln, to Jany., 1800,	28 47½
To the Hon Thomas Dawes & John C. Jones, for examining the State-Treasure[r]'s accounts, from July, 1798, to June, 1799, thirty five dollars each,	70 0
To Daniel Cowin, for his services, assisting the Messenger of the General Court 47 days, including to Feby. 28th, 1800,	83 25
To Silvanus Lapham, for his services, assisting the Messenger of the General Court 47 days, including to Feby. 28th, 1800,	70 50

	Dolls. Cts.
To Norton Brailsford & Francis Green, for cleaning windows, & sundry repairs upon the State-House, to Jany. 1st, 1800,	72 40
To Elias Richardson, for taking care of the Arsenal in Cambridge, to Feby. 1st, 1800,	26 95
To Seth Wells, Treasurer of the Cadet Comy., for cash paid the musick to escort the General Court, &c.	68 0
	<hr/>
	1205 24

Sheriffs' Accounts.

	Dolls. Cts.
To John Gardner, for serving precepts for the choice of Federal Representative, to Decr. 24th, 1799,	45 0
To Joseph Demmick, for serving precepts for the choice of Federal Representative and returning votes to Jany. 13th, 1800,	74 65
To Simon Learned for returning votes for Governor &c. to Jany., 1800,	11 20
To John Cooper, for returning votes for Federal Representative, Governor, &c. to May, 1799,	127 43
To Benjamin Smith, for returning votes for Federal Representative, Governor, &c. to Jany. 10th, 1800,	102 18
To Arther Lithgow, for returning votes for Governor, &c. to May, 1799,	17 12
	<hr/>
	377 58

Printers' Accounts.

	Dolls. Cts.
To Francis Stebbins, for publishing Acts & Resolves, to Decr. 31st, 1799,	16 67
To Chester Smith, for publishing Acts & Resolves, to Jany. 17, 1800,	33 33
To Francis Barker, for publishing Acts & Resolves to June, 1799,	16 67
To Young & Minns, for printing for the General Court to Feby. 19th, 1800,	742 4
	<hr/>
	808 71

Convict Accounts.

	Dolls. Cts.
To Oliver Hartshorn, for dieting & cloathing five convicts in Boston Goal, including fewel, to Jany. 29th, 1800,	306 66
To Jeremiah Staniford, for dieting & nurssing convicts in Ipswi[t][c]h Goal, to Feby. 1st, 1800,	140 19
To Nathaniel Wade, for cloathing convicts in Ipswich Goal, to Jany. 7th, 1800,	13 99
To John Richardson, for dieting, cloathing & nursing convicts in Concord Goal, to Jany. 21st, 1800,	221 57
To Joseph Hunt, for doctoring the convicts in Concord Goal, to Decr. 4th, 1799,	14 10
To Nathan Heard, for dieting sundry convicts in Worcester Goal, to Decr. 2d, 1799,	64 42
To Thomas Manning, for doctoring Convicts in Ipswich Goal, to Jany. 30th, 1800,	19 80
	<hr/>
	780 73

Aggregate of Roll No. 42.

							Dolls. Cts.
Expences of State	Paupers,	.	.	.	.	.	17,128 63
do.	Militia,	.	.	.	.	.	3,144 46
do.	Sherriffs,	.	.	.	.	.	377 58
do.	Convicts,	.	.	.	.	.	780 73
do.	Miscellaneous,	.	.	.	.	.	1,205 24
do.	Printers,	.	.	.	.	.	808 71
							<hr/> 23,445 35

Resolved, That there be allowed and paid out of the Public Treasury, to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons respectively, amounting in the whole to twenty-three thousand four hundred & forty five dollars, & thirty-five cents; the same being in full discharge of the accounts and demands to which they refer.

March 4, 1800.

Chapter 156.

RESOLVE ON THE PETITION OF OLIVER JOHONNET, COMMANDER OF AN ARTILLERY COMPANY IN THE TOWN OF BOSTON.

On the petition, of Oliver Johonnet, Captain of a Company of Artillery, in the Sub Legion of Artillery, in the Town of Boston.

Resolved, That in consideration of the extra Services to which the Artillery Corps in the Metropolis are liable, there be allowed and paid out [of] the Treasury of this Commonwealth, to the said Captn. Oliver Johonnet, Two hundred dollars, towards defraying the expenses of erecting the new Gun House on the Common near the Mall, in the Town of Boston, in addition to the sum already allowed by Law.

March 4, 1800.

Chapter 157.

RESOLVE GRANTING FIVE HUNDRED AND TWENTY THREE DOLLARS AND NINETY THREE CENTS TO THE ATTORNEY-GENERAL.

Resolved, that there be paid out of the publick Treasury, to James Sullivan Esqr. Attorney General, the sum of five hundred & twenty three dollars & ninety three

cents, which shall be in full of all demands for his services & expenditures, in the controversy between this Commonwealth & the Pejepscott Proprietors. *March 4, 1800.*

Chapter 158.

RESOLVE ON THE PETITION OF SAMUEL SUMNER, ADMINISTRATOR UPON THE ESTATE OF SAMUEL BARRETT, ESQ. DECEASED.

On the Petition of Samuel Sumner of Boston, admor. upon the estate of Samuel Barrett late of said Boston, Notary Public, deceased — prayg. for leave to deposit the records of said Notary Public in the Office of the Clerk of the Court of Common Pleas for the County of Suffolk.

Resolved that the said Samuel Sumner, administrator, be & he hereby is authorised to deposit in the office of the Clerk of the Court of Common Pleas & the said Clerk is hereby authorised to receive & safe keep all the records & papers, relating to the business of said Notary Public, decd., & to give attested Copies of said records & papers when thereto required, which shall be as valid in Law, as tho' the same had been attested by said Notary Public in his life time, for which services said Clerk shall be allowed the same fees as are or may be allowed by Law in similar Cases. *March 4, 1800.*

Chapter 159.

RESOLVE ON THE MEMORIAL OF THE AGENTS FOR BUILDING THE NEW STATE HOUSE, DISCHARGING THEM OF THE MONIES THEY HAVE RECEIVED AND EXPENDED.

Whereas Thomas Dawes & Edward H. Robbins Esqrs., as Agents for building the State House, have exhibited a final account of their expenditures relative to that undertaking, which hath been examined and found to be correct & satisfactory, and it appears, that there remains the sum of two thousand six hundred & twenty four Dollars ninety Cents in their hands, of the monies heretofore appropriated to complete said building and its appendages together with the Dwelling house for the Messenger: therefore

Resolved that said Agents be directed to apply two hundred twenty four Dollars ninety five Cents of said

remaining sum, to the purchase of two Clocks, pursuant to an order of the two Houses of the Legislature passed the present Session; and the residue of said sum, to wit — two thousand four hundred Dollars to retain to their own use, & the use of Charles Bulfinch Esqr. which with the sums they have heretofore received, shall be in full for their time & services in executing said business: & said Dawes & Robbins are hereby discharged of all monies by them heretofore received, pursuant to the grants & appropriations of the General Court, for the purposes of the Agency aforesaid.

March 4, 1800.

Chapter 160.

RESOLVE ON A LETTER FROM JOHN ALLEN, ESQ. AUTHORIZING HIM TO TAKE MEASURES TO PREVENT ANY STRIP AND WASTE ON THE LANDS BELONGING TO THE PASSAMAQUODDY TRIBE OF INDIANS.

Whereas it has been represented to this Court, that divers ill disposed persons frequently make strip & waste on the lands, belonging to the Passamaquoddy Tribe of Indians, within this Commonwealth:

Resolved That John Allen Esqr. be, & hereby is, authorized & impowered to take all proper measures to prevent any strip & waste being done on the lands belonging to the said Tribe of Indians.

March 5, 1800.

Chapter 161.

RESOLVE APPOINTING A COMMITTEE OF THE TWO BRANCHES OF THE LEGISLATURE TO DISPOSE OF THE OLD STATE HOUSE.

Resolved that Samuel Phillips & Ebenr. Bridge esqrs. and Mr. Pickman, Mr. Titcomb & Mr. Bartlett be a Committee to confer with the Committee of the town of Boston upon the subject of the sale of the old State House; and to make sale of the Commonwealth's interest therein to such person or persons, and in such manner as they shall judge best; and to give to the purchaser or purchasers a good and sufficient deed or deeds thereof, and to pay the proceeds, and deliver the securities that shall be given therefor into the Treasury of this Commonwealth, as soon as they shall receive the same.

March 5, 1800.

Chapter 162.

ORDER ON THE PETITION OF THE PRECINCT OF CARVER.

On the Petition of the Precinct of Carver, praying that John Samson and others who were heretofore set off from said precinct and annexed to the first precinct in Middleborough, may be set back to said Precinct.

Ordered that the further Consideration of the Subject be referred to the third wednesday of the first Session of the next General Court, and that the Secretary be, and he hereby is directed to publish this order three Weeks successively in the Massachusetts Mercury the last publication to be six Weeks at least before said third Wednesday that all persons interested may have notice and govern themselves accordingly.

March 5, 1800.

Chapter 163.

RESOLVE ON THE PETITION OF JOHN NORMAN.

On the petition of John Norman, stating his distressed situation occasioned by not having engraved a Map of the Commonwealth in such manner as to meet the acceptance of the Legislature, agreeably to his contract, and thereby being rendered incapable of discharging certain expenses incurred in an attempt to execute said contract. Therefore

Resolved That there be paid out of the Treasury of this Commonwealth to Peleg Coffin Esqr. of Boston, Four hundred & Fifty Dollars to be appropriated by him for the relief of the said John Norman, in such a manner as in the judgement of the said Peleg Coffin — will best answer the purpose of relieving said Norman from his present embarrassments. This Grant to be in full of all demands from the said John Norman against this Commonwealth.

March 5, 1800.

SPEECHES AND MESSAGES,

1798-1799.

SPEECHES

OF

HIS EXCELLENCY THE GOVERNOR, AND HIS
HONOR THE LIEUTENANT GOVERNOR,

AND

MESSAGES TRANSMITTED BY HIS EXCELLENCY AND HIS
HONOR TO THE GENERAL COURT DURING THE LEGIS-
LATIVE YEARS

1798-1799.

[May Session, 1798.]

TUESDAY, June 5.

The two Branches of the Legislature having assembled in the Representatives' Chamber, at 12 o'clock His Excellency the Governor entered, and delivered the following Speech :

*Gentlemen of the Senate & Gentlemen of the House of
Representatives,*

You are now assembled, pursuant to the wise provision in our excellent Constitution of Civil Government, for the purpose of making & establishing such wholesome & reasonable Statutes & Ordinances as in your judgment the welfare of this Commonwealth shall require, & for the necessary support & defence of the Government thereof: A delegation highly honorable to yourselves as well as important to the Community. When this duty is faithfully performed, you cannot fail of receiving the approbation & applause of your Constituents, whose Interests cannot be forgotten or neglected, because they are so inseparably connected with your own. Unfounded there-

fore, must be the sentiment, that the Officers of a free Government have a different Interest from that of the People, whom they represent, to whom they return at the expiration of their Office, divested of all Authority & subject to the consequences of all the Laws & Regulations made, while they were vested with the Powers of Government. The opposite position, I conceive, cannot be maintained on any other ground, than upon Supposition, that the Officers of Government, elected by the People, & responsible for their conduct while in Office, will counteract their own Interest, infringe their own rights & liberties with those of their families & connexions for the purpose of oppressing the People. A supposition extremely absurd & unnatural. — I therefore hold it, an article in my Political Creed, that the People & their Government are inseparably united; & that whoever attempts to divide them, cannot be viewed in any other light, than, as aiming a blow at the main pillar, on which the whole superstructure rests.

The good sense of the American people, I trust will not suffer them to listen to suggestions, at once so erroneous & so dangerous to the very existence of a free Government, but instead of countenancing unreasonable jealousies, will give a firm support to the Constitutional Measures of the Government of their own choice; without which, no people can long enjoy the invaluable blessings of such a Government.

The Events of the present day draw our attention from the more local concerns of the Commonwealth to contemplate those of our Nation at large.

The situation of our Foreign relations, you are not insensible has become critical & alarming, & calls for the united Wisdom, Decision & Firmness of the American Government; & for the unequivocal Aid & Assistance of each Member of the Union. — We were led to flatter ourselves, that the System of impartial Neutrality, adopted by the Executive, & which we have so long struggled to maintain, would have sheltered us from the Calamities incident to a state of War. — When the troubles of Europe commenced the United States were at peace with the World, & happy in the reflection that no obligation compelled them to intermeddle in their Contest, but had every inducement to avoid it; — having wisely adopted this System, our Government endeavored to avoid every just

cause of complaint, & when unjustifiable depredations were committed on our Commerce by one of the belligerent Powers, a Treaty opened a way for removing just grounds of uneasiness, by adjusting mutual demands. Thus a Contest with that power which then threatned us, was happily prevented, & peace & harmony restored. When similar causes of complaint & uneasiness with another of these Powers existed, the President of the United States, anxious to preserve the good understanding which had so long subsisted between the French & American Republics pursued similar measures for the restoration of Amity & Friendship between them. These overtures, after a contemptuous rejection in the first instance, from an extreme desire to remove every reasonable ground of complaint, were renewed; & with what success, let the communications from the Envoys to our Executive, declare! Could they have been furnished with powers more ample, or have addressed the Government of France in language more respectful, pathetic, or conciliating? They assure that Government of "the deep regret which the President of the United States feels at the loss or suspension of the harmony & friendly intercourse which had subsisted between the Republics & of his sincere desire to restore them; to discuss candidly the complaints of France, & to offer frankly those of the United States; that he had authorized a review of existing Treaties & such alterations thereof, as shall consist with the mutual interest & satisfaction of the contracting parties:" at the same time, warmly expressing the happiness they should feel, if their exertions could in any degree contribute to restore that friendship & mutual interchange of good offices which is alike their wish & their duty to effect between the Citizens of the two Republics: But instead of listening to those respectful, conciliatory overtures, our Envoys have been treated with a marked contempt, heretofore unknown among civilized Nations, & exorbitant sums of money demanded; — on what pretence I know not, unless it be to compensate the Citizens of France for the trouble they have been put to, in capturing & condemning our property!

The calamities of War, we sincerely deprecate, but are fully satisfied that every effort has been made, short of National dishonor & degradation, to prevent them. — The United States contented with the station which Heaven has been pleased to assign them, have no unreasonable

wish for aggrandizement, no desire of conquest, or extension of territory, but are only solicitous for Peace & that security to their property & independence which the God of Nature hath given them a right to claim & enjoy; — & while the Ears & hearts of the Citizens of these States will always be open to every reasonable proposition for accommodation, I believe, I am not mistaken in saying, they are determined never to submit to plans of coercion: for they well know, that a People united in a just cause, & roused by injuries & indignities to resentment, cannot be easily conquered. Notwithstanding individual Citizens may have entertained different opinions as to the motives & consequences of the Wars & Revolutions in Europe, yet I am confident, they will not disagree in one point, I mean the necessity of union among ourselves, in order successfully to defend our liberties & independence. These inestimable blessings have been transmitted to us entire, by the virtuous struggles of our Fathers, who despised every danger & encountered every difficulty in their just defence; & should we resign them to any Nation on Earth without “one Manly struggle,” should we not be considered as unfaithful Guardians of the sacred Trust? Rather let us endeavor honorably to discharge the debt, by united efforts to transmit the fair Inheritance, undiminished, to our Posterity.

In such a Contest all Nations will do us the Justice to believe, that nothing hath been omitted on our part, to prevent the evils & distresses of War, — & that if a sincere desire to maintain the rights of Neutrality, & to keep up a friendly intercourse with all Nations — if exemplary Moderation & Forbearance under accumulated injuries — if the Candid & liberal declaration of our Executive, that “if we have committed errors, we will rectify them” — if the most sincere & re-iterated attempts at friendly Negotiation, — & even a predilection for the French Nation whom we have been wont to regard with the most sincere Friendship, could have shielded the United States from depredation & war, our tranquillity would not have been interrupted; — & that if mercenary, exorbitant demands of Money for the privilege of being heard, joined to the most pointed contempt of our Envoys & Nation, aggravated by continued hostility on our Commerce, can afford ground for the claim of the right of defence against further outrages, that this right of the United States will

remain undisputed. May we not therefore, if driven to defence, with humble confidence look up to the Supreme "Arbiter of Nations" for his protection & blessing, by granting success to our exertions against those, who without any just cause alledged, seem to be disposed to compel the United States to withdraw their Friendship & become their Enemy? Do not the facts, before the publick justify the observation, that to sepearate the People from their Government is a measure unremittingly pursued thereby destroying the energy of Government & turning the force of a Nation against itself. What then is the duty of a private Citizen? Is it not to exert his utmost ability to counteract so dangerous, so fatal a policy? What more especially, is the duty of all our Constituted Authorities, & such of our Fellow Citizens, as have officially bound themselves by the most solemn of all obligations, to support the Constitution of the United States?

In this unhappy exigency of affairs, I recommend to your immediate consideration, the necessary means of defence within this Commonwealth, that they may be used with effect, whenever it shall be considered necessary by the Government of the United States, particularly the important Fortifications on Castle island; this Fortress, so essential to the defence of the harbor & Town of Boston, in case of assault or invasion, requires much labor & some expence, to give it that effect in repelling an Enemy which its very advantageous situation would command. Some improvements have been made, & with but little cost to the Commonwealth; but to render it capable of internal defence, it is necessary a small work, for security against Small Arms, should be constructed in the centre of the place; this might be done with great ease, & at small expence by employing the Convicts on the island, in that service.

I have the satisfaction to announce to you, that the Militia of the State (with the exception of a few Corps) is in very good order, & capable of performing such services as the exigencies of the times may possibly require; if however any thing can be done to make it more efficient, I shall be happy to concur with you in the measure.

I will detain you no longer than to suggest, to your consideration the expediency of providing a few heavy brass Field pieces, to be distributed, upon the Sea Coasts; they would be highly useful in case of Assault & depreda-

tion from single Ships, as they might be easily transported from place to place as occasion may require. — While we indulge the hope, that the French Republic may yet alter it's measures respecting the United States, & render these precautionary steps unnecessary ; yet I apprehend a sense of our duty & interest will not suffer us to remain unprepared for disagreeable events, which so strongly threaten the Peace of the United States.

In every measure which shall have for its object, the Security, peace & prosperity of the People of this Commonwealth, I shall be happy in affording my most hearty concurrence.

The renewed Evidence of the Esteem & Confidence of my Fellow Citizens strongly impresses my mind : it shall be my endeavor not to disappoint them.

INCREASE SUMNER.

COUNCIL CHAMBER, BOSTON, June 2d, 1798.

[May Session, 1798.*]

Gentlemen of the Senate & Gentlemen of the House of Representatives,

I have received a Letter from James McHenry Esqr. Secretary at War, in which he states, that owing to the failure of a Contract, the Government of the United States have found it impracticable to supply the Cannon necessary for the upper Battery of the Frigate Constitution, in the harbor of Boston ; & requesting the loan of a number of Cannon, now lying useless on Castle island & which were designed for Ships use, & improper for that Fortress —

The Secretary engages to return them as soon as others can be provided, & in the mean time, if desired, to order a number of Thirty two Pounders, from Providence to Boston, for the defence of the Town & Harbor —

This Letter I have directed the Secretary to lay before you, & have no doubt the request will be complied with, if in your judgment, it can be done consistently with the safety of the harbor of Boston.

INCREASE SUMNER.

COUNCIL CHAMBER, June 7th, 1798.

* Not printed in previous editions.

ANSWER OF THE PRESIDENT OF THE UNITED STATES TO THE
ADDRESS OF THE GENERAL COURT, JUNE 7, 1798.*

To the Legislature of Massachusetts.

GENTLEMEN. — An affectionate, and respectful address, from your two Honorable Houses has been presented to me, according to your request, by your Senators and Representatives in Congress.

The anxiety, the ancient, and constant habit of the people of Massachusetts, and their Legislature, to take an early and decided part, in whatever relates, to the safety, and welfare of their Country, as well, as their ardor, activity, valor, and ability in its defence by Sea and Land, are well known, and ought to be acknowledged by all the world.

The first forty years of my Life, were passed in my native Massachusetts, in a course of Education, and a professional Career, which led me, to a Very general acquaintance, in every part of that State. — If, with your opportunities, and pressing motives, for observation, and experience, you can pronounce my services successful, and administration virtuous, and the People of fifteen other States, could concur, with you in that opinion, my reward would be compleat, and my most ardent Wishes gratified —

If, the object, of France, in her Revolution ever was Liberty, it was a Liberty very ill defined, and never understood — she now aims at dominion, such as never has before prevailed in Europe — If with the principles, maxims, and systems, of the present Leaders, she is to become the Model, and arbiter of Nations, the Liberties of the world will be in danger. Nevertheless the Citizens of Massachusetts, who were the first to defend, will be among the last, to resign the Rights of our National Sovereignty.

You have great reason to expect, in this all important conflict, the ready and zealous co-operation, of the free, and enlightened people of America, and with humble confidence to rely on the God of our Fathers, for protection and success —

With you, I, fully agree, that a people, by whom the blessings, of civil, and religious Liberty, are enjoyed, and duly appreciated, will never surrender them, but

* Not printed in previous editions.

with their Lives — the patriotism, and the Energies of your Constituents, united with those of the people of the other States, are a sure pledge, that the charter of your civil and religious Liberties, sealed by the blood of Americans, will never be violated, by the sacrilegious hand of foreign power.

The solemn pledge, of yourselves, to support, every measure, which the Government of the United States, at this momentous period, may see fit to adopt, to protect the Commerce, and preserve the Independence of our Country, must afford, an important encouragement, to the National Government, and contribute greatly to the Union of the people, throughout all the States.

JOHN ADAMS.*

PHILADELPHIA, JUNE 15th, 1798.

[January Session, 1798.]

STATE-HOUSE, FRIDAY, JANUARY 11.

The two Branches of the Legislature having assembled in the Representatives' Hall, at 12 o'clock, His Excellency the Governor entered and delivered the following speech :

Gentlemen of the Senate and Gentlemen of the House of Representatives,

Since I had last the pleasure of addressing you, the internal State of the Commonwealth has been in general tranquil and prosperous, resulting undoubtedly, from a strong attachment of the People to the Government, and from a faithful and impartial execution of the Laws ; nor can we doubt of the continuance of this state of things, while our Citizens feel the importance of Social Order, Virtue and Industry, and at the same time, duly appreciate the blessings of a Free Government, established by their Wisdom, supported by their Energy, and administered by Officers of their choice.

Happy indeed would be our situation, as a Government, if our internal regulations could exempt us from Foreign Usurpations, as well as protect us from domestic Violence ; but the least observation will convince us, that the best intentions and purest motives frequently fail of insuring

* Signature missing, but the following note appears : " Signed, John Adams."

the Friendship and Amity of foreign Nations. Hence arises the necessity of standing prepared to repel Foreign Aggressions, when differences cannot be adjusted by the Amicable mode of Negotiation. The best internal Arrangements of Government avail but little, while the Nation itself remains exposed to the depredations and insults of every bold Invader.

If we trace the History of our Country from its first Settlement, we shall find perhaps, no period more critical, or interesting than the present. The Principles lately disseminated, have roused a spirit of enquiry, and excited a Solicitude before unknown.

Having established the Independence of the American Government on the principles of Justice, and basis of equal Rights, we cherished the hope, that by industriously cultivating our Soil, promoting Manufactures, and extending Commerce, we might attain the object of our pursuit and long enjoy Peace, Liberty and Safety: But uninterrupted prosperity seems to be rather a Picture of the Imagination than a Reality, which Man is allowed to enjoy. In every age arises a Series of duties and trials peculiar to itself.— Scarce had we begun to feel the happy effects of the mildest, and I believe, the wisest Government the World had ever known, e'er the Convulsions of European Nations threatened to involve that of the American:— but thanks to our Political Pilots, whose penetration discovered our danger, and whose Wisdom and Patriotism directed them to a System of Impartial Neutrality, as the surest means of avoiding impending evil. This just and wise policy, equally calculated to preserve peace with Foreign Nations, and to secure domestic Tranquility, at length gave Umbrage to the Government of France, and various methods were pursued to engage the United States as a Party in the Contest. The Ministers and Agents of France early commenced their political career in this Country, and disseminated Principles and Sentiments totally subversive of our Government and Independence, by endeavoring to persuade the People that their interest dictated a Violation of the System our Executive had adopted,—to create dissensions and separate the People from the Government of their choice. Thank Heaven, the scheme proved ineffectual, and the Citizens of the United States are yet Free, Happy, and Independent.

It must be unnecessary, as well as painful, to recite the

reasons of the failure of the Overtures for Peace and Accommodation ; they are universally known, and I believe, perfectly understood. The World will do us the justice to believe, that no effort has been omitted, on the part of the United States, to adjust differences and preserve peace with the Republic of France ; an Object most sincerely and uniformly sought, but unhappily not yet within the power of the United States to obtain. To accomplish this, is alike our Interest and our wish ; and we are happy to hear, the Chief Magistrate of the Union publicly declare, — “ it is Peace we have uniformly and perseveringly cultivated, and harmony between us and France may be restored at her Option.” We cannot yet believe that France will drive us to the last resort, which in the end, would prove as injurious to her interests, as to our own. From present appearances however, we can discern no reason for relaxing our preparations for defence. Should we not violate the first law of Nature, the great principle of self-preservation, if the means for this purpose which the Almighty has placed within our power, were neglected ? Let then the remains of political dissension cease, and all orders of Men unite in displaying those Virtues, and that manly patriotic Spirit, which the exigency of the times demands : — And should the United States be invaded, let us stand prepared at our Country’s call, to rally round the American Standard, wisely committed to the charge of our beloved Washington, who will be faithful to the trust, and not surrender the sacred deposit to an invading foe, while he has an American by his side. — Under such a Leader, and in their Country’s defence, America’s hardy sons cannot fail of displaying that native Enterprize and Valor, for which they have heretofore been distinguished.

Let no one imagine, that, by these remarks, I am for precipitating the United States into a War ; nothing is further from my heart, for I am fully sensible, no Calamity is more to be dreaded, except the loss of our Liberties and Independence : but they are made because my own observation, confirmed by the experience of ages, demonstrate, that the best security of Peace is preparation for war. Do not the existing circumstances of our Country, demand some evidence of that firmness, union and decision, which, in the present Crisis, are so essential to its prosperity ? As a Member of the Union, is it not incumbent to afford a prompt and zealous support to the measures of the National Government, without which we

cannot long expect to enjoy Peace, Independence, or safety? The numerous patriotic addresses to the President from all parts of the United States, exhibit a strong proof of enlightened understanding, inviolable attachment to the Government, and unshaken confidence in its administration; and must convince France and the World, that the Citizens of America, like a band of Brothers, united by the ties of interest and affection, are determined to stand or fall together.

In pursuance of your Resolution of the 27th of June last, I gave the necessary orders for having such parts of the Commonwealth as were most exposed to assaults and depredations from armed Vessels, to be fortified. The Cannon have been mounted, in some instances, in others, are in such a state of preparation, that they may be delivered in a short time. The Fort, which has been erected on Nantasket, for the protection of Boston Harbor, will require the attention of the Legislature, in relation to the number of Men, which shall be considered necessary for its defence.

From the returns of the Adjutant General, which I shall direct the Secretary to lay before you, may be seen the state of the Sea-Coast defence, the condition and arrangements of the Militia, and by which will also appear, that all the Companies of Artillery within this Commonwealth, in number Forty-four, except in a few instances, are completely equipped with light Brass Pieces, and that the whole body of our Militia, in general, is well organized, & that the several divisions have exhibited pleasing proofs of order and discipline.

By the accurate Statements of the Quarter Master General, in consequence of my orders to him, you will readily perceive the amount and condition of all the Ordnance & Military Stores belonging to the Commonwealth; and also the manner in which the sum granted the last Session for the Sea-Coast defence, has been applied; and I flatter myself, you will be satisfied that proper Oeconomy has been practised in the expenditure.

The Act for ceding Castle-Island to the Government of the United States, has been presented and accepted, on the terms therein specified; and the Troops of the United States have received possession and now occupy that Fortress: In consequence of which I ordered Major Perkins's Company of Artillery, heretofore doing duty at that place, to be dismissed, according to your directions.

In the acceptance of the Cession of Castle Island, a condition was made, "that the Convicts confined thereon be previously removed," which was accordingly done, and they are now confined in different Goals in this Vicinity, where they await the further order of the Legislature. The Laws relative to Convicts will need revision, as there now remains no place, established by law, for their confinement to hard labor. And here permit me to ask, whether any punishment hitherto devised, for offences not Capital, has been found more effectual for reclaiming Offenders, by its tendency to establish habits of Industry, affording time for reflection, & the apparent dread which that mode of punishment excites in the minds of the more dissolute part of the Community? I believe it will not be doubted, that the Commonwealth, since the Institution of that mode of punishment, has been abundantly more free from high-handed Offences, than at any former period.

In all Legislative Acts which shall be promotive of Justice, and of the General Welfare of the Community, you may rest assured, Gentlemen, of my most hearty concurrence.

INCREASE SUMNER.

COUNCIL CHAMBER, Jan'y. 11, 1799.

SPEECHES AND MESSAGES.

1799.

[May Session, 1799.]

Gentlemen of the Senate & Gentlemen of the House of Representatives,

It is with the deepest Sorrow that I communicate the Melancholly Event of the Death of His late Excellency Increase Sumner Esqr. which happened this day about 11 o'Clock. I am ready to attend to the Executive business of the Commonwealth, agreeably to the provision of the Constitution, & shall also be ready to Unite with you in proper measures & to pay our respects to the remains of so worthy & valuable a Chief Magistrate.

MOSES GILL.

COUNCIL CHAMBER, June 7th, 1799.

[May Session, 1799.]

THURSDAY, June 13.

At 12 o'clock, the Senate and House convened together, and His Honor the Lieutenant Governor, entered, and delivered the following Speech :

Mr. President and Gentlemen of the Senate, Mr. Speaker & Gentlemen of the House of Representatives,

There is nothing in the Concerns of the Commonwealth which renders it particular[ly] necessary that I should request a meeting with you at this time and place. The usage as well before the revolution as since the establishment of our happy Constitution, seems to demand this interview.

Although there is nothing special to communicate to you from the Chair, nevertheless the reciprocation of

Sentiments between the Branches of Government, cannot fail to have a salutary effect in promoting the Peace and good Order of the Commonwealth, and consequently the happiness of the People, which is the great end of all. This can be done consistently with the forms of our Government, in no other way so conveniently and so well, as by those Communications between the Executive and Legislative departments, which are contemplated in the Constitution:—But here Gentlemen, the melancholly event which has rendered it my duty to perform this part of Governmental business, urges itself upon us, and irresistably demands a moments pause.

A few days only have passed away since the public eye was attracted with the warmest expectations upon the Character of a Man as filling this Department, who was remarkably dear to his Country. If the ardent prayers and ready tears of the multitude of his Bretheren could have arrested his seemingly untimely fate, he would now have addressed you from this place. We have performed our duty to our Constituents, and complied with the feelings of our own hearts in paying all the respect within our power to his funeral solemnities. The badges of sorrow with which we now appear, give evidence to the world in as forceable a manner as it can be done by external signs, of that unaffected grief which cannot be fully expressed. It is not suitable to the present interview, that I should attempt an eulogy on the character of the late Governor Sumner; but it may be proper for me to observe, that the dignity of his person, the equanimity and mildness of his temper, his real unaffected piety, his natural and Governmental talents, rendered him an Ornament to Society and a Blessing in the world. We must kiss the rod, and while our tears are flowing under a sense of a grievous Calamity, we must adore that Being, whose ways though dark and intricate to us, are directed by unerring Wisdom.

Gentlemen of the Senate, & Gentlemen of the House of Representatives,

The spirit of our Constitution of Government, points to the Principles on which the Prosperity of our Republic depends. Those being attended to and carried into execution, will continue to promote the public and private Happiness of the People. An intelligent virtuous People

cannot be miserable; and those who neglect to cultivate the faculties of the human mind by the due means of Education can have no claim to public or private felicity.

Public Worship may with propriety be considered as an important part of Education, as the genuine principles of Christianity meliorate the heart and urge to the performance of social and private duties. You will therefore Gentlemen employ all the means given you by the Constitution to maintain & extend those religious Institutions which were peculiarly dear to our pious Ancestors, and from which we at this day in a great measure derive our public happiness. To this end, you will give every encouragement to our University at Cambridge, that Religion and Learning may continue to flow from that Fountain.

Gentlemen,

The State of the Treasury is under your eye, from that you will find whether new supplies are necessary, and for what purposes, and to what amount they may be wanted: From that we may learn that our Government maintains its reputation and supports its respectability, without being a burden to the People, by whom it was established and by whose authority it is upheld.

The promotion of the Arts and Sciences and those useful Inventions by which the Labor of Man is lessened, are worthy the attention of every Government. The encouragement of Agriculture as the sure and substantial Source of Wealth, takes rank of all other considerations. With this natural branch of business, Commerce is immediately connected; so that when one of them flourishes, the other cannot languish.

I recommend to you Gentlemen the revision of the Laws as far as is consistent in a Summer Session. Those Acts which are useful and are near expiring, will be revived, and the whole as a System by continued attention, be reduced to such a state of plainness and simplicity as will be congenial to the nature of our Government.

Gentlemen,

While we contemplate with pleasure and satisfaction the happy situation of our Commonwealth, we cannot forget that all our prosperity and all our hopes depend under God upon ourselves. Unless we consider ourselves as

part of the Nation we shall soon become the object of Rapine and Plunder from without, and the seat of discord & contention within: To prevent an evil of such a magnitude, we are to cherish and cultivate those feelings which result from an Idea of our National Character.

Sensible of the hazardous situation we were in, a Body of authorized Patriots compiled and the People established a National Constitution; which in its principles is mild safe and equal, and in its mode of execution wise and efficient. We have had at the head of the General Government men who could have no honor but what they derived from the performance of their duty, and no Interest but that of their Fellow Citizens. Hence it is that from the administration of a Washington and an Adams we have derived National respectability and private security and prosperity. To counteract the Constitutional measures of the President or Congress, is an attempt to subvert the sovereignty of the whole and to prostrate the Nation; and if divisions & internal animosities shall take place; — if an uneasy and groundless Jealousy shall prevail, the measures from which alone we can expect to be defended, must be rendered inefficient.

My Fellow Citizens will realize that the Federal Government is as much their Government as is that of the Commonwealth, and their interest in it as invaluable as their National existence, and therefore every idea of its being a foreign Government ought to be treated as dangerous and contemptible; but I am persuaded that our enlightened Nation will yield obedience to the Laws, reverence and respect their Rulers & Magistrates, which proceed from themselves, and then we shall continue a United and happy People.

Gentlemen,

I shall communicate to you by separate Messages whatever may be necessary in the present Session, and shall attend with assiduity to such Acts as you may lay before me. Should I consider it to be my duty to disapprove of any of them, and to lay my objections before you, I have no doubt you will believe my conduct to proceed from a sense of duty, and consider it with candor.

The appointment of such civil Officers as is devolved on me by the Constitution, shall be done with a view to the

public good alone. The men whose characters are fair and whose morals are pure, whose Patriotism is tried and whose abilities are equal to the duties of their office, shall be the subject of my Nomination.

MOSES GILL.

COUNCIL CHAMBER, BOSTON, June 13th, 1799.

[January Session, 1799.]

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The death of General George Washington is an Event truly distressing.

The President of the United States on the 24th of December last, agreeably to a resolve of Congress of that day, has by proclamation recommended to the Citizens a uniform mode to express their profound sorrow on this occasion. If you, Gentlemen, should think proper to adopt any measure in conformity with said resolve of Congress, I shall readily concur with you.

MOSES GILL.

COUNCIL CHAMBER, January 8th, 1800.

[January Session, 1799.]

STATE-HOUSE, Friday, January 10.

The two Branches of the Legislature having assembled in the Representatives' Hall, His Honor the Lieutenant Governor entered and delivered the following speech :

Mr. President, and Gentlemen of the Senate, Mr. Speaker, and Gentlemen of the House of Representatives,

Permit me to embrace the present opportunity of congratulating you and the public in general on the meeting of the General Court. The busy season of the year being over, you may now with more convenience attend to governmental business. I shall direct the Secretary to lay before you such public papers as I have received since your adjournment. If I should now omit to mention any matters of business, that may during the Session occur, to claim your attention, they shall be communicated in separate Messages.

The state of the Treasury will also be laid before you, by which you will perceive, that it is in a situation truly respectable.

The Peace and Happiness of the Commonwealth, must afford you the highest satisfaction: I most cordially congratulate you on the pleasing situation of our internal public concerns; and I feel myself assured that the present Session of the Legislature will do much, not only to increase, but to establish the public felicity.

The prosperity of the Commonwealth essentially depends on the wisdom of its Legislators; and I feel, in common with my Fellow Citizens, a confidence that you will continue to discharge your trust with Fidelity and Zeal.

It will not be necessary, (though it has not been unusual) that I should attempt to treat of the nature and original principles of our Government. We are called in our several departments, not to frame, but to administer, the Government; and as you are designated to the important charge of Legislation, I shall submit to your serious attention, such public matters as I deem principally worthy of your wisdom and public spirit. While I assure you of my ready co-operation, I entertain no doubt of your zeal for the honor of Government, your attention to the just rights of the People, and your enlightened regard for the interest of Posterity.

But our happiness as a Government cannot be assured unless the National Government of the United States is maintained with energy and dignity; under the wise and patriotic direction of our President, the prudent and cautious measures of Congress, with a constitutional support of the several States, we may hope that Divine Providence will continue to us the blessings we now enjoy.

The University at Cambridge was early founded by our renowned Ancestors. Encouraged and assisted by pious and charitable Men, it has been fostered by Government, till it has now become a shining Ornament to the State and indeed to our Country. You will by every means in your power, encourage this University; and if their present funds should be inadequate to their honorable support, you will supply the deficiency. I am free to declare my opinion, that Justice and sound Policy, as well as a due regard to the true honor of the State, and the interests of Learning, require it. This will not prevent the Govern-

ment from extending to other Colleges and Academies, every proper encouragement.

The constant veneration of our Ancestors for the Sabbath, was not greater than is due to the nature of its obligation, or to the importance of its influence on the character and manners of a People. If in this respect, we have relaxed from the strictness and purity of ancient manners, it will be proper that your attention should be called to devise such further provisions to enforce the law for the due observation of the Lord's Day, as the nature of the subject may require.

On a former occasion, I recommended to your consideration the revision of the Laws, that the whole, as a System, by continual attention, be reduced to such a state of plain-[n]ess and simplicity, as will be congenial to the nature of our Government: You will now have an opportunity to effect this important purpose.

Agriculture, as the sure and substantial source of wealth, takes rank of all other considerations. If the observation of a Great Man, now deceased, be true, "That he who makes a single blade of Grass to grow where none grew before, is a more useful Member of Society than the greatest Conqueror recorded in the annals of History"; — is it not therefore our interest to encourage and promote so useful a Branch of Science as Husbandry. It is an employment truly respectable, and ought to receive the countenance of every wise Nation. By what way you may think proper to extend your encouragement; whether to empower the Agricultural Society now established, and which consists of Gentlemen, in whom may be placed the greatest confidence, to dispense premiums — or by any other method, your patronage cannot fail to excite emulation, and to hasten the introduction of many valuable improvements.

At so critical and eventful a period as the present, I feel it particularly my duty, to state to the Legislature, the situation of the Militia of this Commonwealth; and am happy to have it in my power, as well from my own observation in many parts of the State, as from Official Reports, to assure you, that the general good order, discipline and military spirit of the Militia, have risen to a height which has never yet been exceeded. The Officers are Gentlemen of great respectability; and from a general return, it appears that the Troops are nearly completed

in the important article of Arms: To aid and encourage such a Military spirit, will lie with you, for on a well regulated Militia depends our strength and security.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

Very soon after you began your last Session, we were called to the melancholly task of performing the funeral obsequies of the Chief Magistrate of this Commonwealth: The unfeigned sorrow universally exhibited on that occasion, evinced the strong affection of his Fellow Citizens. His memory still lives, and the lenient hand of time has not yet erased it from my Breast.

We are now called upon to lament the loss of another Patriot, General George Washington, whose invaluable life was the Ornament, Example and Defence of our Nation; and whose Name itself was a Host:—But Washington is dead! and we sorrow most of all that we shall see his face no more, for GOD hath changed his Countenance and sent him away. May the recollection of his Virtues stimulate, and the force of his sentiments inspire the whole Nation with a love of Patriotism and National Glory. The Tears of the Great and the Good of all Countries, are mingled with those of America, on this unsearchable dispensation of Divine Providence—May our Tears on this occasion embalm his precious Memory.

MOSES GILL.

January 10th, 1800.

[January Session, 1799.*]

Gentlemen of the Senate and Gentlemen of the House of Representatives,

The Adjutant General hath represented to me, that a small part of the Militia of this Commonwealth are in a disorganized State, which Representation I have directed the Secretary to lay before you. This is a subject that will doubtless arrest your Attention and such decision will be had thereon, as your wisdom will dictate.

MOSES GILL.

COUNCIL CHAMBER, Jan. 23, 1800.

* Not printed in previous editions.

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